

# AFTER PARTITION

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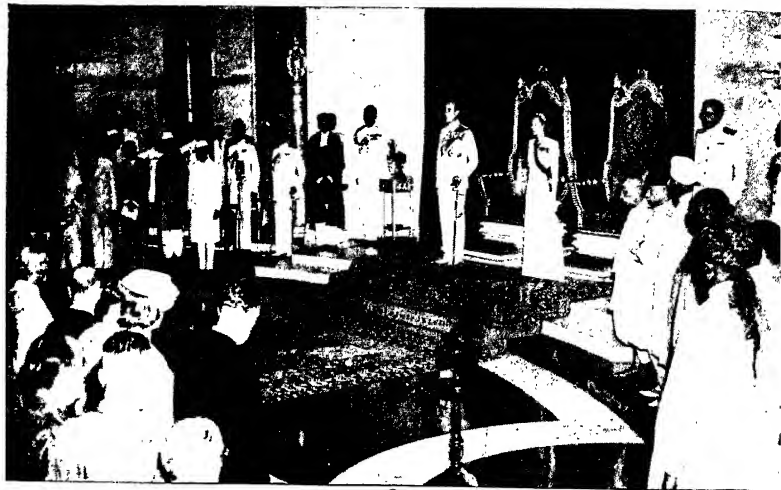
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The swearing-in ceremony of the new cabinet.



Photograph taken shortly after Maulana Abul Kalam Azad, accompanied by Mr. Asaf Ali, arrived at the Viceroy's House for talks on April 17, 1946. Our picture shows Maulana Abul Kalam Azad in conversation with Sir Stafford Cripps. Lord Pethick Lawrence is first from the left.

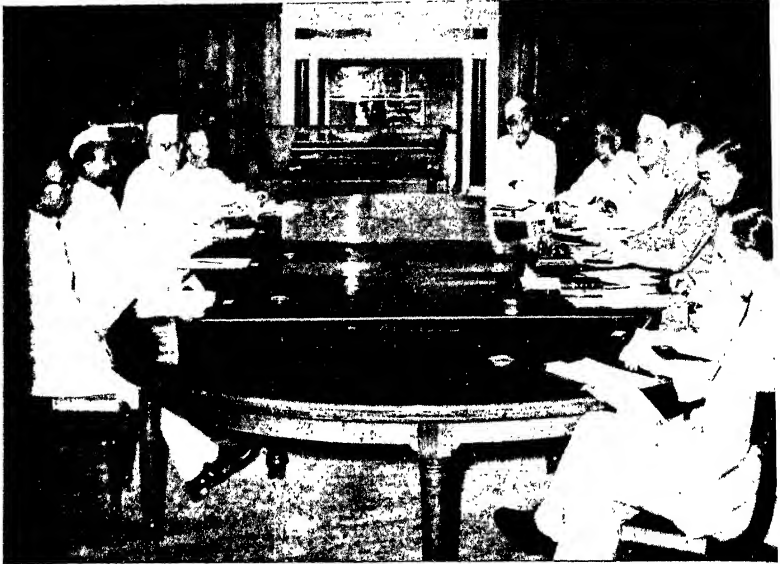
## CHAPTER I

### PARTITION PLAN

#### PARTITION PLAN

THE partition of India was the result of a joint decision of the Congress, the Muslim League and the Sikh leaders. The Indian National Congress had always been a supporter of Indian unity. But the events following the Cabinet Mission's proposals in May, 1946, and the formation of a popular Government at the Centre compelled the Congress to accept the partition of the country.

The Cabinet Mission's proposals were accepted by the Congress as well as by the Muslim League, and so elections were held in the Provinces for the proposed Constituent Assembly of India which was to frame the Union Constitution and the Constitutions of the Provinces and Groups under it. Subsequently, however, the Muslim League passed a resolution in a meeting of the League Council at Bombay on July 29, 1946, rejecting both the long and the short term plans of the Cabinet Mission. In the same meeting the Muslim League decided to follow the policy of direct action for the achievement of its objective of Pakistan. Some indication of the things to come could be had from the speeches made by responsible Muslim League leaders. For instance, Sir Feroze Khan Noon, a member of the Muslim League Council, said : "We are on the threshold of a great tragedy, because neither Hindus nor the British realize the depth of our feelings...Even if we have to die fighting we shall see that our children will never be slaves of Akhand Hindustan...If the British Cabinet Mission in conspiracy with *banias* leaves India with a piece of paper signed between them for peace in this country, that peace will be as short-lived as the one Mr. Chamberlain negotiated with Hitler at Munich. If Britain puts us under a Hindu *raj*, let us tell Britain that the destruction and havoc that the Muslims will do in this country will put into the shade what Ghengiz Khan did." Another member of the Muslim League Council, Mr. Abdul Qaiyum Khan, said, "On my way from Peshawar students and Muslim officers in uniform met me and asked when marching orders will come.



#### INTERIM GOVERNMENT TAKES OVER.

After the swearing-in ceremony on the morning of September 2, 1946, there was a brief meeting of the members of the Interim Government. (Left to right) Mr. Syed Ali Zaheer; Mr. Jagjivan Ram; Mr. Sarat Chandra Bose; Mr. Asaf Ali; Dr. Rajendra Prasad; Sardar Vallabhbhai Patel; Pandit Jawaharlal Nehru and H. E. Lord Wavell. On the extreme right is Mr. G. E. B. Abell, Private Secretary to H. E. the Viceroy.

If the British Government forced the Muslims by setting up an Akhand Hindustan government or one constituent assembly, then Muslims will have no alternative but to take out their swords."

In accordance with the Cabinet Mission's proposals the Central Government of India was constituted upon popular basis in July, 1946. The Congress and other parties in the country joined it, but the Muslim League stayed out in view of its rejection of the Cabinet Mission's proposals. Later the Muslim League members came in, the Viceroy giving on behalf of the League an assurance to the Congress Ministers that the League members would actively co-operate with them in running the government as well as in framing the future constitution of India. The League joined the Government on October 26, 1946. Soon after, Mr. Liaquat Ali Khan, one of the Muslim League representatives on the Interim Government, made a declaration that the League did not recognize the Cabinet character of the Government, and a few days later Mr. M. A. Jinnah, President

of the Muslim League, made a statement to the *Christian Science Monitor* in which he supported Mr. Liaquat Ali Khan and added that the League members on the Interim Government were not there to participate with the Government of India in the shaping of the country's future constitution but were there merely to guard Muslim interests.

With reference to the Cabinet Mission's proposals themselves, the Muslim League continued to raise constitutional points, particularly as regards the position of the Provinces inside the Groups proposed by the Cabinet Mission. The points raised concerned the future of Assam in Group 'C' and of the North-West Frontier Province in Group 'B'. On December 6, 1946, the British Government made a pronouncement\* which conceded practically all the points raised by the Muslim League and which even appeared to compromise its own professed principles enshrined in the original proposals; but this merely accentuated the intransigence of the Muslim League towards the Constituent Assembly.

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\*Text of the statement issued by His Majesty's Government on December 6, 1946 :

"The conversations held by HMG with Pandit Nehru, Mr. Jinnah, Mr. Liaquat Ali Khan and Sardar Baldev Singh, came to an end this evening as Pandit Nehru and Sardar Baldev Singh are returning to India tomorrow morning.

The object of the conversations has been to obtain the participation and co-operation of all parties in the Constituent Assembly. It was not expected that any final settlement could be arrived at since the Indian representatives must consult their colleagues before any final decision is reached.

The main difficulty that has arisen has been over the interpretation of paragraph 19 (v) and (viii) of the Cabinet Mission's statement of May 16, relating to the meetings in sections which run as follows :

Paragraph 19 (v) : "These sections shall proceed to settle provincial constitutions for the Provinces included in each section and shall also decide whether any group constitution shall be set up for those Provinces and if so with what provincial subjects the group shall deal. Provinces shall have power to opt out of groups in accordance with provisions of sub-clause (viii) below."

Paragraph 19 (viii) : "As soon as new constitutional arrangements have come into operation it shall be open to any Province to elect to come out of any Group in which it has been placed. Such a decision shall be taken by the new Legislature of Province after first general election under new constitution."

The Cabinet Mission have throughout maintained the view that decisions of sections should, in the absence of agreement to the contrary,

At the same time the Muslim League programme of direct action went ahead as planned. On the Direct Action Day, August 16, 1946, communal frenzy was at its height in Calcutta. This was followed in October, 1946, by mass looting and arson in Noakhali and the other districts of East Bengal. In March, 1947, large-scale disturbances took place in the West Punjab districts of Rawalpindi, Multan, Attock and Jhelum. The Congress Ministers in the Central Government were helpless in checking these partly because of the constitutional difficulty of the Central Government interfering with the day-to-day administration of the Provinces and partly because of the unhelpful attitude of the British authorities. More and more the Congress realized that while India remained in subjection, it was always possible for the Muslim League to function as 'King's Party' in the Ministry. The Congress had never wanted to coerce any unwilling unit into the

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be taken by simple majority vote of representatives in the sections. This view has been accepted by the Muslim League but the Congress have put forward a different view. They have asserted that true meaning of statement read as a whole is that Provinces have a right to decide both as to grouping and as to their own constitutions.

HMG have had legal advice which confirms that statement of May 16 means what the Cabinet Mission have always stated was their intention. This part of statement as so interpreted must therefore be considered an essential part of scheme of May 16 for enabling Indian people to formulate a new constitution which HMG would be prepared to submit to Parliament. It should therefore be accepted by all parties in the Constituent Assembly.

It is, however, clear that other questions of interpretation of the statement of May 16 may arise and HMG hope that if the Council of the Muslim League are able to agree to participate in the Constituent Assembly they will also agree as have the Congress that the Federal Court should be asked to decide matters of interpretation that may be referred to them by either side and will accept such decision so that procedure both in the Union Constituent Assembly and sections may accord with the Cabinet Mission's plan.

On matters immediately in dispute HMG urge the Congress to accept view of the Cabinet Mission in order that way may be open for the Muslim League to reconsider their attitude. If, in spite of this reaffirming of intention of the Cabinet Mission, the Constituent Assembly desires that this fundamental point should be referred for decision of the Federal Court, such reference should be made at a very early date. It will then be reasonable that meeting of sections of the Constituent Assembly should be postponed until decision of the Federal Court is known.

There has never been any prospect of success for the Constituent Assembly except upon the basis of an agreed procedure. Should a constitution come to be framed by a Constituent Assembly in which a large section of Indian population had not been represented HMG could not of course contemplate—as the Congress have stated they would not contemplate—forcing such a constitution upon any unwilling parts of the country."

We deeply deplore the recent acts of lawlessness and violence that have brought the utmost disgrace on the fair name of India and the greatest misery to innocent people, irrespective of who were the aggressors and who were the victims.

We denounce for all time the use of force to achieve political ends, and we call upon all the communities of India, to whatever persuasion they may belong, not only to refrain from all acts of violence and disorder; but also to avoid both in speech and writing, any words which might be construed as an incitement to such acts.

Indian Union, and when the situation looked far from hopeful, the Congress accepted the principle of partition and wasted no more time on utopian schemes for maintaining the unity of the country.

On February 20, 1947, the British Prime Minister, Mr C. R. Attlee, made a statement in the House of Commons in which he deplored the fact that although the Interim Government had been set up at the Centre in India composed of the political leaders of the major communities and Indian Governments responsible to the Legislature were in office in all the Provinces, differences still existed among the Indian parties which prevented the Constituent Assembly from functioning as it was intended to function. The Prime Minister said that the existing state of uncertainty was fraught with danger and could not be indefinitely prolonged; and he announced that it was the definite intention of His Majesty's Government to take necessary steps to effect the transference of power to responsible Indian hands by a date not later than June, 1948. To decide what the composition of the successor Government would be, negotiations were at once started with the leaders of the Congress, the Muslim League, and the Sikhs; and to everybody's amazement and satisfaction it was found that all responsible parties were in favour of the partition of the country on a communal basis. The Congress, however, argued that if the Muslim League's demand for the partition of India was accepted on the ground of religion, there was no reason why certain provinces also should not be partitioned. The argument was unassailable.

The British Government announced its final plan for the partition of India and the grant of Dominion Status on June 3, 1947. At the same time the Announcement stated that the existing Constituent Assembly convened on December 9, 1946, would continue to do its work. So far as the Muslim majority provinces were concerned, they were free to decide whether their constitution would be framed by the existing Constituent Assembly or by a new and separate Constituent Assembly convened for that purpose. Upon that decision would depend whether the British Government would hand over power to one or to two Governments in India. Should the decision be in favour of the establishment of two separate Governments, the Announcement





#### LORD MOUNTBATTEN ARRIVES IN INDIA.

Lord Louis Mountbatten, Viceroy and Governor General designate for India, shaking hands with Pandit Jawaharlal Nehru at the Palam Airfield where he arrived on March, 22, 1947. On Pandit Nehru's left is the Hon'ble Mr. Liaquat Ali Khan, then Finance Minister.

laid down a procedure whereby the partition of Bengal and the Punjab would be brought about and the plebiscite in Sind, Baluchistan, N.W.F. Province and the district of Sylhet in Assam would be held.

#### MECHANICS OF PARTITION

The partition of certain Provinces was the logical outcome of the Muslim League's demand for the division of the country. The Congress principle of non-coercion, which conceded that any province or area which did not wish to come into the existing Constituent Assembly could opt out and form a separate Assembly,

clearly meant that no large non-Muslim areas should be brought into the new Constituent Assembly. To achieve this object the Announcement laid down that the Provincial Legislative Assemblies of Bengal and the Punjab (excluding the European members) should meet in two parts, one representing the Muslim majority districts and the other the rest of the Province. For the purpose of determining the population structure of districts, the 1941 Census figures were taken as authoritative, and the Muslim majority districts in these two Provinces were set out in an appendix to the Announcement.

The members of the two parts of the Legislative Assembly sitting separately were empowered to vote whether or not the Province should be partitioned. If a simple majority of either part decided in favour of partition, division would take place and arrangements would be made accordingly. Before the question of partition was decided, it might be desirable for the representatives of each part to know in advance which Constituent Assembly the Province as a whole would join in the event of the two parts deciding to remain united. So it was provided that if any member of either part of the Legislative Assembly so demanded, a meeting of all the members of the Legislative Assembly (other than Europeans) would be held at which a decision would be taken on the issue.

If it is decided to partition the Province, each part of the Legislative Assembly would on behalf of the districts and areas represented by it further decide whether its constitution should be framed in the existing Constituent Assembly or in a new and separate Constituent Assembly consisting of representatives of those areas which decide not to participate in the existing Constituent Assembly.

With regard to the Sylhet district of Assam, the Plan provided a slightly different procedure. If it should be decided to partition Bengal, then a referendum would be held in Sylhet under the aegis of the Governor General and in consultation with the Assam Provincial Government to decide whether the district of Sylhet should continue to form part of the Assam Province or should be amalgamated with the new Province of East Bengal. The rest of the Assam Province would in any case continue to participate in the proceedings of the existing Constituent Assembly.

The Announcement gave option to the Provinces of Sind and British Baluchistan to decide whether their constitution was to be framed in the existing Constituent Assembly or in a new and separate Assembly consisting of representatives of those areas which had decided against participating in the existing Assembly. A bottleneck referendum was announced for the electors of the N-W. Frontier Province Legislature to choose whether they would throw in their lot with the Constituent Assembly of India or with the one to be constituted for Pakistan. The explanation for this departure from the usual procedure to determine the issue of partition by the Provincial Assembly was that in the face of excessive weightage given to the minorities, the Provincial Assembly could not be supposed to represent the real opinion of the Frontier people. The step was obviously taken in defence to the wishes of the Muslim League which was in a minority in the Frontier Assembly.

Although for the immediate purpose of deciding the issue of partition the members of the Legislative Assemblies of Bengal and the Punjab were directed to sit in two parts corresponding to Muslim majority and non-Muslim majority districts, it was made clear in the British Government's statement that that was a step of a purely temporary nature. The exact demarcation of boundaries would be determined later by a boundary commission to be constituted subsequently. The national division was not the last word on the subject of partition.

## INDIAN INDEPENDENCE ACT

The decision of the members of the Legislative Assemblies in Sind and other Provinces having been favourable to the creation of two independent Dominions in India, His Majesty's Government framed the Indian Independence Bill which passed through both the Houses of Parliament in a remarkably short space of time and became law on July 18, 1947. The Act was a document of extraordinary simplicity, consisting of no more than 20 sections and three schedules. It was possible to attain this simplicity because the Act left all incidental matters, as they arose, to be dealt with by the Governor General of India.

Section I of the Act provided that on the appointed day, i.e., August 15, 1947, as fixed later, there shall be set up in India two



#### PANDIT JAWAHARLAL NEHRU BROADCASTS ON THE CONSTITUTIONAL ANNOUNCEMENT

"At no time have we lost faith in the great destiny of India which takes shape even though with travail and suffering". It was in this spirit of sober optimism that Pandit Jawaharlal Nehru evaluated the constitutional announcement in his broadcast of June 3, 1947.

Independent Dominions, known respectively as India and Pakistan.

Sections 2, 3 and 4 dealt with the extent of the territories of the two Dominions. With reference to the territories of the new Dominion of India, the Under-Secretary of State for India explained in the House of Commons that they would include all those territories which, with the exception of those that were being transferred to Pakistan, were under the sovereignty of His Majesty immediately before the appointed day.

Section 5 provided for the appointment by the King of a Governor General for each of the new Dominions. In the case

of the older Dominions, the King makes this appointment on the advice of the Ministry. In the two Dominions now being created in India, there were no Ministers formally to advise the King, since until the appointment of the Governor General, the Prime Minister could not take office. So the expedient of consulting the recognised leaders of the political parties in the two Dominions was followed; and in accordance with their respective recommendations, it was decided to appoint two separate Governors General for the two Dominions.

Section 6 dealt with the powers of the new Dominion Legislatures, such power comprehending full competence to make laws having extra-territorial operation.

Section 7 dealt with the consequences which followed from the creation of the new Dominions. His Majesty's Government gave up all responsibility in respect of the government of any of the territories comprised within the two Dominions, renounced Paramountcy over the Indian States, and provided that agreements with the States must be concluded by the appropriate successor authority. Section 7 (2) provided for the omission from the Royal Style and Titles of the words "India Imperator" and "Emperor of India."

Section 8 made temporary provision as regards the government of the new Dominions. The problem was to get a parliament to work in each Dominion where there was no constitution in being and at the same time to provide for the framing of a new constitution. In order to suit the new conditions, a solution was found by adopting the existing Government of India Act as the basic constitution for the two Dominions and by giving to the Constituent Assemblies the status of parliament.

Section 9 set out the machinery of adaptation. It was quite simple. The Governor General was given the power to issue Provisional Constitutional Orders. As the British Premier admitted in the House of Commons, this was indeed a very wide power given to the Governor General, but in the nature of things it was unavoidable.

Section 10 dealt with the position of the Services. Sections 11, 12 and 13 were of a technical character, relating to provisions

about the Indian armed forces, the British forces in India and the naval forces. The rest of the Act was devoted to incidental provisions of a general character.

The Indian Independence Act, 1947, came into operation on August 15, 1947. In order to provide an interim constitution for the country until the Constituent Assembly was able to frame the new Constitution, the Government of India Act, 1935, was amended and adapted by the Indian (Provisional Constitution) Order, 1947. The Amended Act omitted the definition of Indian States and Rulers as given in Section 311, but provided for the establishment of the Dominion of the Indian Union, comprising the Governor's Provinces, Chief Commissioner's Provinces, acceding Indian States and any other areas that may, with the consent of the Dominion, be included in it. In the executive sphere important changes had already taken place, especially in the position of the Governor General, who now became the constitutional head of the State, acting on the advice of the Ministry. These changes were now incorporated in the amended Act and provisions like Sections 11 to 15 of the Act relating to reserved subjects, special responsibilities, instruments of accession, superintendence of the Secretary of State were naturally omitted. The old Houses of the Legislature were brought to an end and the Constituent Assembly was made the Dominion Parliament. The restrictions which formerly existed on the powers of the legislature were also removed. No changes of substance were made in the position of the judiciary.

## PROCEDURE OF PARTITION

At the very meeting at which the Plan of June 3, 1947, was accepted by the leaders of the political parties in India, the method of effecting the partition of the country was also examined. The administrative consequences of the partition too were broadly discussed and a machinery was set up in order to carry out "one of the greatest administrative features in history", the partition of a sub-continent of 400 million inhabitants and the transfer of power to two independent Governments.

The Interim Government appointed a sub-committee of the Cabinet, called the Partition Committee, composed of H.E. the

Governor General, Mr. Liaquat Ali Khan, Sardar Abdur Rab Nishtar, Sardar Vallabhbhai Patel and Dr. Rajendra Prasad. From July 1, when the Legislative Assembly of Sind had voted for a separate Constituent Assembly, this special Committee of the Cabinet was replaced by the Partition Council. On this there were two representatives each of the Indian National Congress and the Muslim League as parties which would be called upon to form the Dominion Governments after the partition. The Governor General was the Chairman of the Council. The Indian National Congress was represented by Sardar Vallabhbhai Patel and Dr. Rajendra Prasad with Mr. Rajagopalachari as alternate member, while Mr. M. A. Jinnah and Mr. Liaquat Ali Khan with Sardar Abdur Rab Nishtar as alternate member represented the Muslim League.

The Partition Council was continued even after August 15 by an Order issued by the Governor General under the Indian Independence Act, 1947, [Indian Independence (Partition Council) Order, 1947, dated August 12, 1947]. Its composition was revised, two members being drawn from each of the Dominion Cabinets. India's representatives continued to be Sardar Vallabhbhai Patel and Dr. Rajendra Prasad, Pakistan being represented by such Ministers as were able to attend the meetings in Delhi.

The Cabinet Committee—later the Partition Council—worked through a Steering Committee of two senior officers, one representing the Indian and the other the future Pakistan Government's interests. The Steering Committee was helped by 10 Expert Committees which among them covered the whole field of administration and dealt with important and varied subjects :—

Expert Committee No. 1 dealt with Organisation, Records and Personnel of Government.

Expert Committee No. II dealt with Assets and Liabilities.

Expert Committee No. III dealt with Central Revenues.

Expert Committee No. IV dealt with Contracts.

Expert Committee No. V dealt with Currency, Coinage and Exchange.

Expert Committee No. VI dealt with Economic Relations (Controls).

Expert Committee No. VII dealt with Economic Relations (Trade).

Expert Committee No. VIII dealt with the question of Domicile.

Expert Committee No. IX dealt with Foreign Relations.

Expert Committee No. X dealt with Armed Forces.

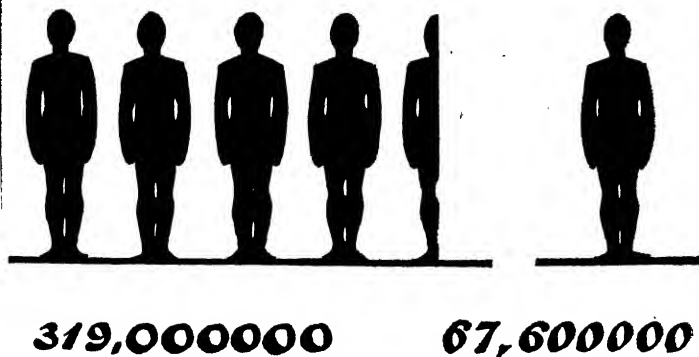
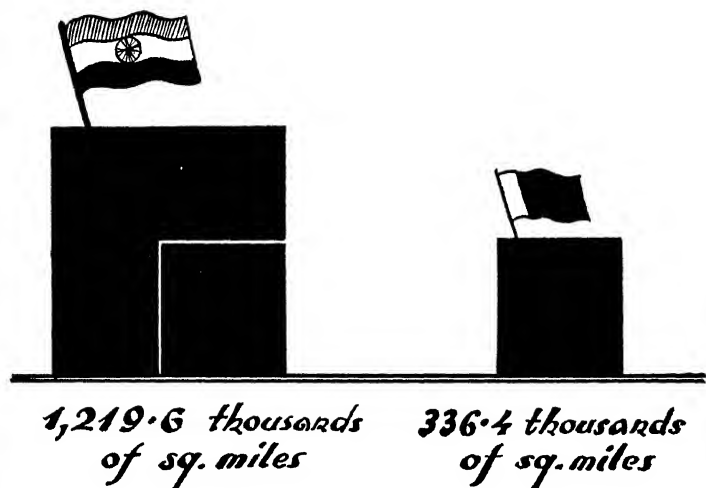
It was the function of the Steering Committee to ensure that concrete proposals were evolved within a given time by these Expert Committees, dovetailing them into each other so as to form a comprehensive whole, and then to present these proposals to the Partition Council for decision, as well as to take steps where necessary to implement these decisions.

The Expert Committees commenced investigations in the third week of June and were asked to submit their reports within a month. The Committees were able to make agreed recommendations on a large number of subjects, while the Steering Committee which considered their reports was successful in reaching agreement on the bulk of the unsettled points. The differences were further reduced by the Partition Council. On August 15 only a few important matters remained to be settled by the Arbitral Tribunal created by the Governor General for the settlement of all questions regarding the division of assets and liabilities on which the two Governments may not reach agreement by an order issued under the Indian Independence Act, 1947. (The Arbitral Tribunal Order, 1947, dated August 12, 1947).

Before the Arbitral Tribunal could take up the investigation of these few matters, a series of high-level discussions were held in Delhi and Lahore between the representatives of India and Pakistan to settle all outstanding issues between the two Governments relating to partition. These discussions, conducted in a spirit of friendliness and good-will, produced good results. All references to Arbitral Tribunal were withdrawn, and Sardar Vallabhbhai Patel, Deputy Prime Minister, was able to make an announcement to that effect in the Indian Parliament on December 9, 1947.



# AREA AND POPULATION OF THE TWO DOMINIONS



## CHAPTER II

### FIXATION OF BOUNDARIES

*“Boundary is not merely a line on map or a series of monuments on the ground”.....It determines “for millions of people the language and the ideas which children shall be taught at school, the books and newspapers which people will be able to buy and read, the kind of money they shall use, the markets in which they must buy and sell, and perhaps even the kinds of food they may be permitted to eat; it determines the national culture with which they shall be identified, the army in which they may be compelled to serve a term, the soil which they may be called upon to defend with their lives whether or not they would choose to defend it”*

—S. WHITTEMORE BOGGS.

### BOUNDARY COMMISSIONS

The demarcation of boundaries is an extremely delicate task and its problems, varying from country to country, are nowhere simple. They were particularly complex in the case of the partition of the Provinces of the Punjab and Bengal, where no agreement existed on any of the issues involved.

The function of demarcating the “exact boundaries” between the Eastern and Western parts of these two provinces was entrusted respectively to the Punjab and Bengal Boundary Commissions which were constituted by the Governor General on June 30, 1947, after the non-Muslim majority districts of both these provinces had decided in favour of partition. The Members of the Commissions as well as their common Chairman were appointed and their terms of reference were drawn in consultation with the Leaders of the principal Indian parties. The Punjab Commission consisted of Sir Cyril Radcliffe (Chairman), Mr. Justice Din Mohammad, Mr. Justice Muhammad Munir, Mr. Justice Mehar Chand Mahajan, Mr. Justice Teja Singh (Members); while the Bengal Commission consisted of the Chairman and Mr. Justice B. K. Mukherjee, Mr. Justice C. C. Biswas, Mr. Justice Abu

Saleh Muhammad Akram and Mr. Justice S. A. Rahman. The Boundary Commissions were instructed to demarcate the boundaries "on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims", and in doing so they were directed to take into account "other factors" also. If the referendum in the district of Sylhet resulted in favour of amalgamation with East Bengal, the Bengal Boundary Commission was also required to demarcate the Muslim majority areas of the Sylhet district and the contiguous Muslim majority areas of the adjoining districts of Assam.

The Commissions had to plod through a maze of facts and contradictory opinions before they could give a verdict. After the preliminary meetings had taken place, the Boundary Commissions invited memoranda and representations from the various political organizations and subsequently heard in public sessions the counsels on their behalf. The Indian National Congress, the Muslim League, the Hindu Mahasabha, and the Sikhs advocated diverse and conflicting solutions based on widely differing units of partition. Different emphasis was also laid on the words "other factors" and contradictory conclusions were drawn therefrom. The areas under dispute were numerous. In Bengal, except the two groups of 12 districts, viz: (1) Midnapore, Bankura, Hooghly, Howrah, and Burdwan, and (2) Chittagong, Noakhali, Tipperah, Dacca, Mymensing, Pabna and Bogra, which were indisputably recognized as non-Muslim majority and Muslim majority areas respectively, all the other 15 districts, including Calcutta, were claimed by the rival parties. Similarly in the Punjab, out of the five Divisions in the Province the whole of Lahore, Multan and Jullundur as well as a portion of Tehsil Ropar in the Ambala Division became the bone of contention.

The task was further complicated as a result of the divergence of opinion among the members of the Commissions themselves. Sir Cyril Radcliffe in his report to the Governor General observed that the differences were so wide that "the agreed solution of the boundary problem was not to be obtained." Differences of opinion on the significance of "other factors" and the weight and value attached to them made it impossible for the Commission to arrive at any agreed solution. In these circumstances, the members of the Commissions had to agree finally that the Chair-



Atari village on the Indo-Pakistan border.

man might proceed under the Indian Independence Act to give his own Award, which he did on August 17, 1947.

#### RADCLIFFE AWARD

Both the Governments of India and Pakistan had previously undertaken to enforce the Award whatever it might be. Accordingly, Sir Cyril Radcliffe's Award was duly implemented both by India and Pakistan. The Award, however, satisfied neither party. The Government of India had special reasons to feel dissatisfied, and so they declared that in view of the "unsatisfactory and unreasonable nature of the Award they would seek to modify its terms by such methods as may be found suitable." (Government of India Gazette Extraordinary, dated September 7, 1947.)

## SYLHET

The difference of opinion among the members of the Bengal Boundary Commission was most acute on the scope of the reference in regard to Sylhet. Some members took the view that the Commission had been given the authority to detach from Assam and to attach to East Bengal any Muslim majority area or part of Assam that could be described as contiguous to East Bengal, since they construed the words "adjoining districts of Assam" as meaning any districts of Assam that adjoined East Bengal. Others held the view that the Commission's power to detach areas from Assam and transfer them to East Bengal was limited to the district of Sylhet and contiguous Muslim majority areas (if any) of the other districts of Assam that adjoined Sylhet. The Chairman concurred with the latter view. The Government of East Bengal argued before the Commission that on the true construction of the terms of reference and section 3 of the Indian Independence Act, 1947, the whole of the district of Sylhet at least must be transferred to East Bengal and that the Commission must act upon that assumption. This contention was unanimously rejected by the Commission.

The Members also had some difficulty in deciding whether, under the terms of reference, they should approach the Sylhet question in the same manner as the question of partitioning Bengal, since the language employed in this connection was not free from ambiguity. The Commission ultimately agreed, however, that its function was to divide Sylhet and the adjoining districts of Assam between East Bengal and Assam on the basis of contiguous majority areas of Muslims and non-Muslims, besides taking other factors into consideration.

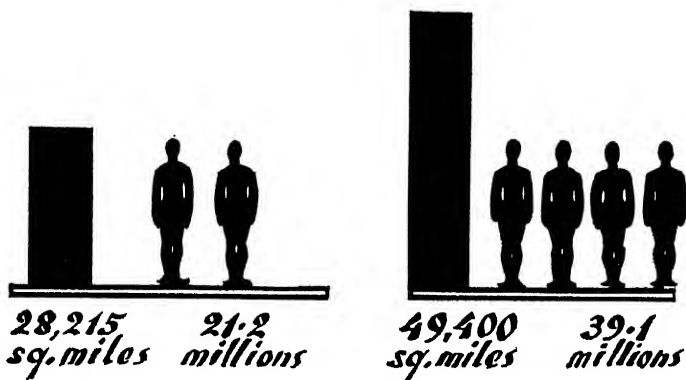
Sir Cyril Radcliffe considered that some exchange of territory was essential for a workable division of the Sylhet district. Accordingly he drew a line across the district and allotted to the new province of East Bengal all portions lying to the north and west of this line. The Governments of India and Pakistan, however, do not agree on the interpretation of the Radcliffe Award in respect of the Sylhet District and the issue is at present under discussion by the Joint Boundary Commission.

# AREA and POPULATION OF PARTITIONED PUNJAB and BENGAL

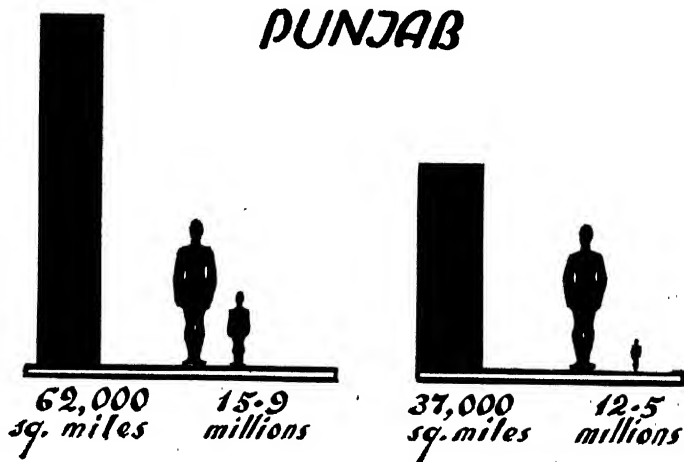
WEST

EAST

BENGAL



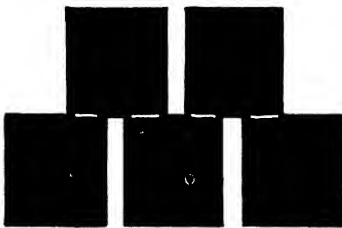
PUNJAB



# **AREA, POPULATION and DENSITY OF POPULATION OF TWO PARTS OF PAKISTAN**

## **WESTERN PAKISTAN**

## **EASTERN PAKISTAN**



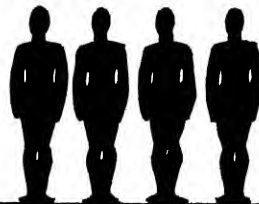
*282.3 thousands of  
sq. miles*



*54.1 thousands of  
sq. miles*

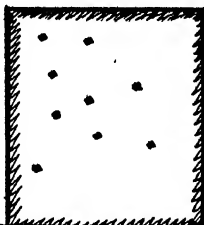


**POPULATION  
IN MILLIONS**

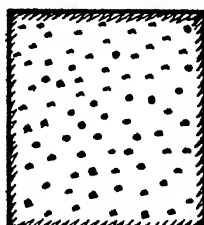


**25.8**

**41.8**

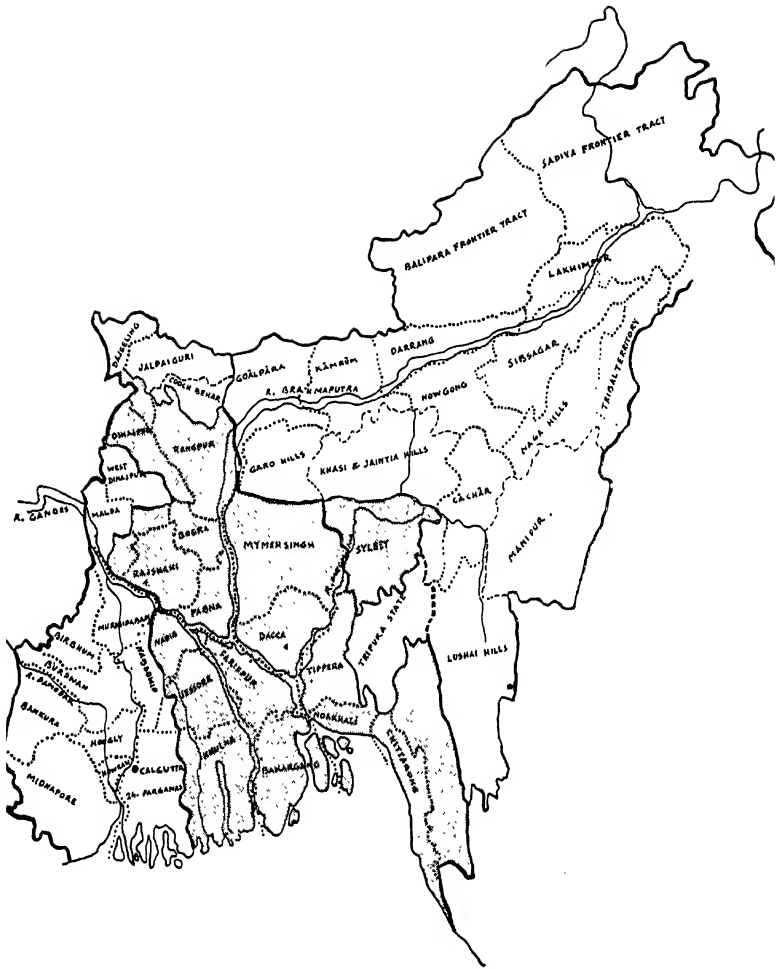


**91.4**



**772.6**

**DENSITY OF POPULATION PER SQ. MILE.**



Map of Bengal and Assam showing Eastern Pakistan (dark colour). The boundaries shown are provisional.

## BENGAL

While both the Congress and the Muslim League agreed that the smallest available unit should be chosen as the unit of partition, the former insisted on the *thana* and the latter on the union or *sub-division* as the most convenient unit. The Muslim League submitted two maps prepared on the basis of the union and the



sub-division and demanded that the rivers Bhagirathi and Bramani should be taken as the boundary line; in fact, it asked for East Bengal practically the whole of the province with the exception of the Burdwan division which contained only 18 per cent of the total area and 30 per cent of the total non-Muslim population of the United Bengal. On the other hand, the Congress claimed for West Bengal an area covering 45,144 sq. miles out of a total of 77,442 sq. miles with a population of 28.3 millions. The Hindu Mahasabha further supplemented the Congress claim by demanding certain additional portions of Faridpur and Malda districts. The Radcliffe Award, however, followed a wholly different line, assigning about 36.4 per cent of the area and 35.1 per cent of the population of the old Province to West Bengal. Of the total Muslim population of Bengal, 16.06 per cent came under West Bengal and 83.94 per cent under East Bengal, while the respective percentage in regard to non-Muslims was 58.22 and 41.78. The whole of the Burdwan division and the Darjeeling district of the Rajshahi division were included in West Bengal. The 5 districts of Nadia, Jessore, Dinajpur, Jalpaiguri and Malda were divided between the two Provinces.

## PUNJAB

In the Punjab the claims of the Congress, the Sikhs, and the Muslim League were at greater variance than was the case in Bengal. The Congress framed its demands on the basis of the protection of the cultural and religious life of the Sikhs, considerations of strategy and defence, economic security, and a rational distribution of the irrigation system, the river waters, canal colonies and Crown lands. It therefore claimed for East Punjab the portion to the east of the river Chenab. Over and above that the Sikhs emphasised the urgency of protecting their holy shrines and supplemented the Congress claims by asking for the districts of Montgomery and Lyallpur and the sub-divisions of Khanewal, Vihari and Mailsi of the Multan division. The Muslim League, on the other hand, asked for not only the three complete Divisions of Rawalpindi, Multan and Lahore but also claimed a number of *tehsils* in the Jullundur and Ambala Divisions. The area of West Punjab as claimed by the Muslim League had a total population of 24.4 millions, out of which 69.86 per cent were Muslims. Finally, the truly controversial ground, according to the Chair-

man's Report, lay in and around the area between the Beas and the Sutlej rivers on the one hand and the Ravi river on the other. The existence of the canal system and of the network of road and rail communications, which had developed under the conception of a single administration, and the geographical position of Lahore and Amritsar made the task of delimiting the boundary highly difficult. The Radcliffe Award ultimately drew a line as a result of which 13 districts comprising the whole of the Jullundur and Ambala Divisions and the Amritsar District of the Lahore Division as well as three *tehsils* (Pathankot, Gurdaspur and Batala) of the Gurdaspur district and a part of the Kasur *tehsil* of the Lahore district were allocated to East Punjab.

### PRESS COMMENTS

The Radcliffe Award provoked sharp comments in the Indian Press. *The Amrita Bazar Patrika* characterized it as a "departing kick of British imperialism at both the Hindus and the Muslims"; *The Hindustan Standard* censured it "as self-contradictory and anomalous and arbitrary"; *The Hindu* remarked that it was not objective and that it had been "less than just to the non-Muslims" and that "in particular he (Sir Cyril Radcliffe) has paid scant attention to the important "other factors" besides the principle of contiguity which by the terms of reference he was called upon to bear in mind"; *The Free Press Journal* did not understand why "Sir Cyril Radcliffe should have given his verdict with such utter irresponsibility" and added that "the very basis of partition—population complexion—has been altered." It further observed that "the responsibility for this erratic award lies wholly with the other members of the Boundary Commission who have allowed their differences to bring into play the personal prejudices and fancies of the Chairman"; *The Leader* wrote that "the award is unjust to the Hindus of Bengal and the Punjab as all British awards have been in the past." The Muslim League paper, *The Dawn*, captioned its editorial as "territorial murder" and declared that "Pakistan has been cheated by an unjust award, a biased decision, an act of shameful partiality by one who had been trusted to be fair because he was neutral." But despite these protests all were agreed on one point, viz, that the award should be, for the moment, accepted calmly and necessary adjustments sought later by negotiation.

## PUBLIC REACTION IN BENGAL

Nor did the Award satisfy any community. The non-Muslims in Bengal complained that the area of West Bengal under the Award, as compared with that in the notional division, had shrunk by about 4,000 sq. miles; they protested against the arbitrary transfer of Khulna, a Hindu majority district, to East Bengal; resented the loss of Chittagong Hill Tracts with its 97 per cent non-Muslim population, and deplored the absence of any link between the districts of Darjeeling and Jalpaiguri and the rest of West Bengal province — an omission as perplexing as it was unjust. A further point of criticism was the resultant inequitable distribution of population, for while only 16 per cent of the total Muslim population was left in West Bengal by this division, as many as 42 per cent of the total non-Muslims remained in East Bengal. The Muslims, on the other hand, bemoaned the loss of Calcutta, Murshidabad, and part of the Nadia district and gave the threat that even if the Pakistan Government accepted “this territorial murder of Pakistan . . . . the people will not.”

The arbitrary nature of the partition of Bengal was conspicuous. It cut at the root of the Province's economy, and the railway and road communications which had developed on a unified basis with Calcutta as the hub. The partition put nearly the whole of industrialized Bengal within West Bengal. It gave to West Bengal the advantage of a ‘diversified economy,’ with almost all industries like jute, cotton, sugarcane, iron and steel, and paper, all the resources of coal, iron ore, and other minerals of united Bengal, and a substantial area under tea, leaving the Province deficit in most crops, e.g. jute, sugarcane, mustard and, possibly, rice. East Bengal, on the other hand, enjoys supremacy in agriculture. It has almost twice the gross cultivable area of West Bengal, and produces 70 per cent of the total jute of Bengal. It has all the big rivers except the Hoogly and has more rainfall and better irrigation facilities than West Bengal. Consequently the fertility and productivity of its soil is superior to that of the West Bengal and the proportion of fallow and uncultivable land is comparatively low.

Of the two provinces, West Bengal is more urbanized; about 22 per cent of its people live in towns and townships while the

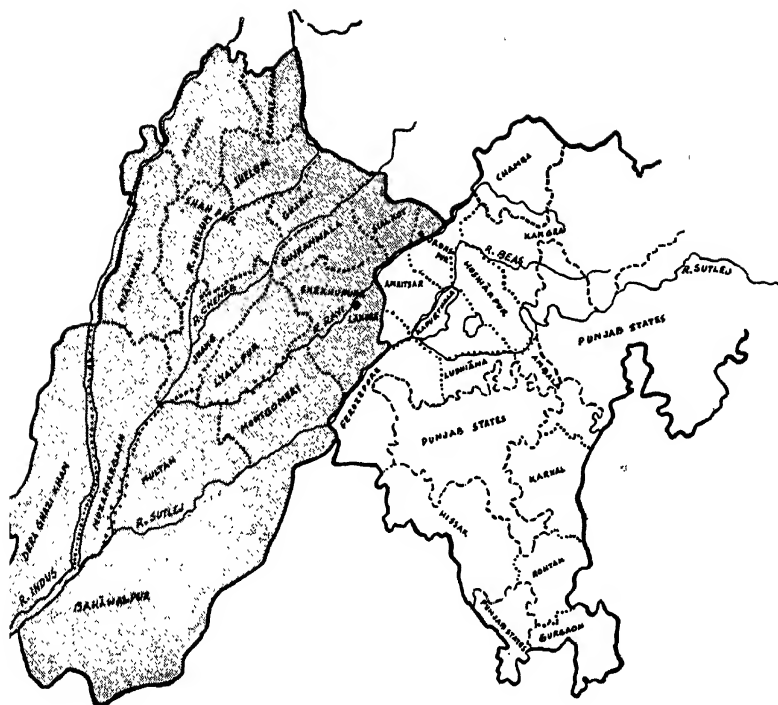
corresponding figure for East Bengal is only 4 per cent. Fifty per cent of its people pursue non-agricultural professions as compared with a very much smaller proportion in the other Province.

West Bengal is better provided educationally and culturally; renowned centres of culture like the Calcutta University and the Viswabharti and institutions like the Calcutta Medical College, the Bengal Engineering College and several well-known institutions have fallen within its territorial limits. Calcutta is not only the largest port in the Province but is a magnificent cosmopolitan city and a great centre of trade and commerce. The influx of refugees and the surplus Government servants from East Bengal have, however, added to the difficulties of West Bengal and it is now faced with a serious problem of securing for them food, houses, educational facilities and employment.

From the point of view of geographical compactness, West Bengal has suffered greatly as a result of the Radcliffe Award. It has been cut into two parts. Direct communication between them and with Assam has thus become impossible, and it has become necessary to reorganize and replan the communication system of this border province. From the point of view of defence, however, a greater responsibility has devolved on the province of East Bengal, which is surrounded by foreign territories on all sides and which is linked with Western Pakistan only by air and sea.

## PUBLIC REACTION IN THE PUNJAB

The non-Muslims of the Punjab reacted bitterly to the Award, and specially among the Sikhs it provoked great resentment. For it had broken their solidarity, deprived them of their holy shrines, ignored their claim for a division of the Province on a 56 : 44 basis, and deprived them of the canal colonies of Sheikhupura, Lyallpur and Montgomery, developed by them by half a century's toil and labour, and of nearly half of Majha—the Sikh homeland. Nor were the Hindus pleased at the taking away of Lahore and the neighbouring districts which constituted the nerve-centre of their agricultural, social, and political activities and the hub of their trading, insurance, and banking business. The Muslims on their part protested against the retention of



Map of the Punjab showing East and West Punjab (latter in dark colour). The boundaries marked are provisional.

Mandi Hydro-Electric Project by East Punjab and the severance of four *tehsils* from the notional Western Punjab (as given in the appendix to the statement issued by His Majesty's Government on June 3) without awarding any territory in return.

As a result of the partition, East Punjab obtained control over the waters of three out of five rivers of the united Punjab and obtained about 45 per cent of the population, 38 per cent of the area, and 31 per cent of the income of the united Province. West Punjab, on the other hand, includes about 55 per cent of the population, 62 per cent of the area and controls about 69 per cent of the income of the old Province. It has retained the important canals and about 70 per cent of the fertile canal-irrigated tracts of the undivided Province as well as the huge revenues earned therefrom. It possesses important forests

and mineral resources and a large number of exclusive industries, e.g., rubber-goods, surgical instruments, sports, resin, etc., and has inherited all the shisham plantations and the lion's share of the Province's integrated system of communications. It has been fortunate also in getting the only University as well as the principal educational, medical, technical, veterinary, and agricultural institutions of the Province. West Punjab has, therefore, emerged comparatively bigger, richer and more food-producing and has a density of just 256.5 per square mile as compared with 338 in East Punjab.

The partition of the Province, followed as it was by mass migration of the people, has brought a scarcity of labour and material in East Punjab and that of industrial, commercial and educational talent in West Punjab. In a number of industries almost the entire labouring population moved to one side while the industrialists, merchants and the marketeers moved to the other. Both the provinces suffered in the process, but West Punjab had the great advantage of having at its disposal immense properties, fertile land, factories, and commercial concerns left behind by the non-Muslim evacuees.

The Province of East Punjab had to start its new life under very difficult and trying circumstances. Without a capital the Provincial Secretariat had to be started literally from scratch, and as a result of widespread disorder and consequent lack of proper transport the Province was at times threatened with complete administrative breakdown. Its machinery of law and order received a serious setback; the Muslim personnel of the police force, which was 60%, showed undisguised hostility from the very start and ultimately deserted. The Government of East Punjab was faced with the gigantic upheaval of mass migration of population from West Punjab and with the influx of surplus Government servants. Furthermore, the exodus of Muslim tenants and widespread damage to property caused by the riots resulted in a serious fall in the revenue of the Province.

In certain respects, the partition has had similar effects on both the Provinces. Besides increased expenditure on police and security measures, recent migrations have imposed upon them heavy expenditure in the evacuation and administration of relief

and rehabilitation to millions of refugees. Both the Provinces rocked under the orgy of communal rioting and murder, communications were dislocated, trade and business collapsed, and an inestimable loss occurred to the lives and property of the people. In the very morning of freedom, chaos prevailed, putting to the severest strain the forces of law and order. The people were afflicted with sufferings and agony more terrible than has ever "fallen to the lot of human beings—a suffering shared by all—rich and poor, young and old; men, women and children"! This has been a legacy of insensate outburst of communal frenzy, generated by the pernicious Two-Nation theory and its attendant cult of hate.

## BOUNDARY DISPUTES

Certain international boundaries or parts of them are today defined only on paper, that is, in treaties, arbitral awards, and other documents; others are demarcated on the ground and are "intervisible." The boundary lines which partitioned the Punjab and Bengal and the districts of Sylhet from Assam belong to the former category. These are described in the Radcliffe Award, and are delineated on the maps attached thereto. It is, however, stated in the Award that in the event of any divergence between the lines as shown on the map and as described in the text, the written description is to prevail.

As shown on the map, the boundary lines are neither "natural" nor "antecedent"; they are "complex boundaries", which when marked on the ground would run through deserts and villages and at places along the river and canal banks, and at some other points would be traversed by waterways, railways and roads. In such circumstances, boundary disputes are bound to arise. Since the Award was given, disputes have arisen regarding the Sylhet-Assam boundary over Patharia Hill Reserve Forest and Kusiya river. It is, however, premature to discuss either the nature or the details of these disputes, which are now the subject of investigation by a Joint Boundary Commission, appointed by the Governments of India and Pakistan. A joint survey and demarcation of the West-East Bengal Boundary is also under negotiation with the Government of Pakistan. The Indian Dominion, however, is anxious to find an amicable solution of these

and other disputes which may arise in course of time. With goodwill on both sides, peace can reign along the far-flung stretches of Indo-Pakistan frontiers, ensuring full industrial and commercial co-operation between the two sister Dominions.

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## CHAPTER III

# COMMUNAL RIOTS

### BACKGROUND

Although the communal riots concided with the negotiations which preceded the partition of the country, they were not a direct effect of the partition. Their intensity, especially in Pakistan, certainly became greatly increased after the partition. The Muslim League had long been preaching the philosophy of communal strife and dissension, implicit in the Two-Nation Theory of Mr. M. A. Jinnah. The country was thrown into a chaos with the launching of Direct Action by the Muslim League on August 16, 1946. This resulted in a veritable outburst of communal frenzy all over the country. The conflagration started in Calcutta, and several thousand citizens were killed within a few days. The "Direct Action" day gave the city two days of real horror. "It was obvious from an early hour", said the *Statesman* in its editorial of August 18, 1946, "that some of those who were set on disrupting the city's peace were privileged. The bands of ruffians rushing about in lorries, stopping to assault and attack and generally spreading fear and confusion, found the conveyances they wanted. On a day when no one else could get transport for their lawful avocations, these men had all they wanted; it is not a ridiculous assumption that they had been provided for in advance." Bengal was at the time governed by a Muslim League Ministry.

Some time after the great Calcutta Killing, the champions of Direct Action were again active in a quiet and peaceful district of East Bengal, Noakhali, where the Hindus were a mere handful, barely 18% of the total population. The depredation started on October 10, 1946, and over 700 villages including some in the bordering district of Tipperah and Sandwip Island in the Bay of Bengal were subjected to looting and arson. Forcible conversion, abduction and rape of women completed the tragedy. The attack was launched at the same time on the same day and in the same fashion on all the main villages : large mobs armed

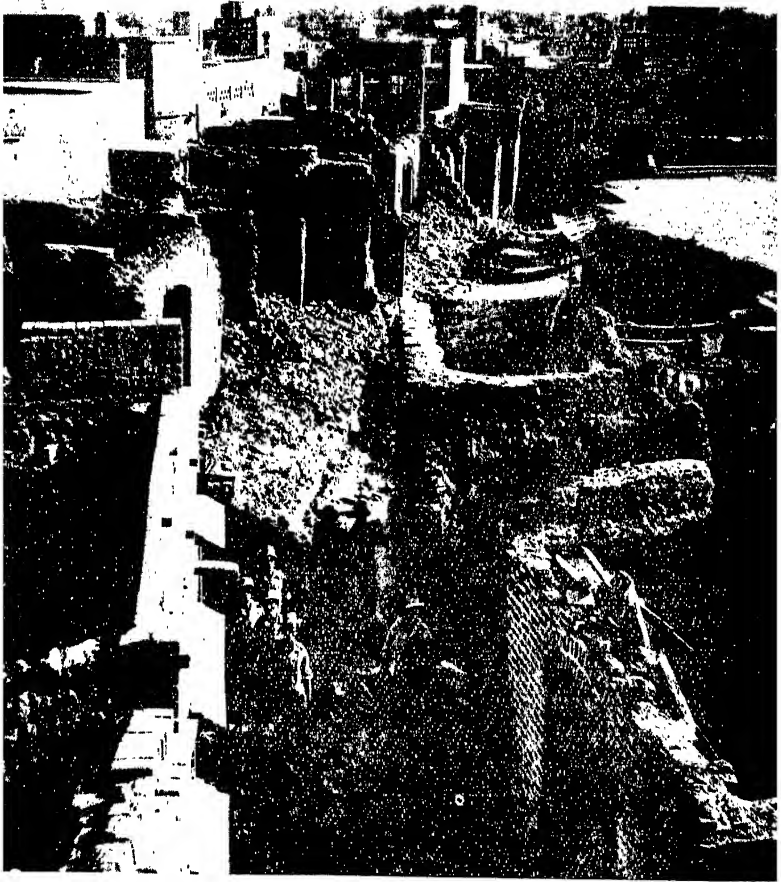


#### VICEROY VISITS CALCUTTA.

H. E. the Viceroy, accompanied by H. E. the Governor of Bengal and other high military and civil officers, made an extensive tour of Calcutta's riot-stricken areas on August 25, 1946. On August 26, Lord Wavell visited Muslim and Hindu relief centres where temporary hospitals were also established. At the Viceroy's instance immediate arrangements were made by the Government of India to provide Calcutta with milk powder and with blankets, dhotis, saris and lungis outside the ordinary provincial quota. In the above picture the Viceroy is going round the Muslim League Relief Centre at the Lady Brabourne College.

with deadly weapons, in many cases fire-arms, surrounded the localities where the Hindus lived.

The reaction to the Noakhali atrocities led to widespread disturbances in Bihar, which might easily have developed into an appalling catastrophe, had the Bihar Ministry and the Congress Working Committee been less vigilant and active. The Government took drastic steps to bring the situation under control.



A scene in the riot-affected area in Kahuta ( Rawalpindi )

The Bihar trouble, on the other hand, was followed by riots and mass murders in the North-West Frontier Province and West Punjab, where the Hindu and Sikh minorities were subjected to sufferings similar to those in Noakhali. From the facts available, it would be justified to assume that the disturbances in the Punjab were carefully planned as part of a well-planned conspiracy to instal the Muslim League Ministry in the Punjab. This was looked upon as a first step towards the establishment of Pakistan.

As has been stated before, these grave happenings compelled the Congress leadership to decide, among other things, that the country should be immediately partitioned. Soon after they took this decision, a joint appeal for communal peace was issued at the instance of Lord Mountbatten under the signature of Mahatma Gandhi and Mr M. A. Jinnah. Despite the peace appeal, however, the Muslim League's campaign of violence in the North-West Frontier Province continued and Mr Jinnah did nothing to condemn violence on the part of his followers.

### PUNJAB HOLOCAUST

Years of propoganda on the Two-Nation Theory and open preaching of communal hatred by the Muslim League had brought communal intolerance to the point of explosion. The non-Muslim minorities of West Punjab had passed through the grim experiences of the March disturbances in Rawalpindi, Multan and other areas and the atrocities committed against them by the Muslim population often with the connivance, and even encouragement, of Government Officials. When, after the decision to partition the country had been taken, the Muslim League began to insist upon the division of the army, the police and the civil services on a communal basis, the minorities lost all confidence. The administration in the Punjab has thus been described as a legatee of communal over-zealousness on the Western side and frustration on the Eastern. Throughout their official career the Hindu and Sikh officials had seen incompetent Muslims being appointed to high Government offices in preference to themselves, and in consequence they had suffered the ignominy of suppression and the agony of frustration. The Muslim officials, on the other hand, knowing that Islam was their sheet-anchor and that but for communal representation in the services they would not be occupying the positions they did, sought their safety in the establishment of a separate Muslim State in which they would not have to compete with the Hindus and Sikhs for power and influence. It was natural for such officials to think in terms of wiping out the minorities in the new State; and this also explains the open complicity of the Muslim army, police and civil officials with the marauders in carrying out the massacres in West Punjab. Wielding administrative power and having at their command the police and the military as engines of oppression, these officials committed the worst savagery in human history.

The riots in West Punjab had their natural repercussions in East Punjab, of which exaggerated reports were published in the Pakistan Press and broadcast by the Pakistan radio. These reports were completely silent about the fact that the happenings in East Punjab and Delhi were a direct reaction of the West Punjab atrocities. Their effect was to further intensify the forces of destruction in West Punjab.

Pandit Jawaharlal Nehru, the Premier of India, paid a hurried visit to East Punjab on August 17, 1947. At Ambala, he held a conference with the Ministers of East and West Punjab and various Civil and Military Officers, and then accompanied the Pakistan Premier, Mr. Liaquat Ali Khan, to Lahore, where he had a first hand account of the occurrences. "In both Amritsar and Lahore", said Pandit Jawaharlal Nehru, "we heard ghastly tales and we saw thousands of refugees, Hindu, Muslim and Sikh...Anti-social elements were abroad, defying all authority and destroying the very structure of society." To help in the restoration of law and order in East Punjab, Panditji made another tour of the Punjab on August 24, 1947, when he held a number of informal meetings and addressed small roadside gatherings. The Premier admitted that disturbing news had been reaching him from certain areas of West Punjab where the situation had greatly deteriorated, but he appealed to the people to remember that retaliation was no remedy. "If complete peace was restored in East Punjab, our energies could be fully devoted to ensure the safety of minorities in West Punjab."

## DISTURBANCES IN DELHI

The atmosphere in the Delhi province became tense at the beginning of September, 1947. As refugees from West Punjab kept on arriving in Delhi, feelings began to rise. The Deputy Prime Minister, Sardar Vallabhbhai Patel, had sensed trouble in the air. On his return to Delhi from an Inter-Governmental Conference in Lahore on September 3, 1947, he made a public statement appealing to the people to be calm and to the Government servants not to spare themselves in the discharge of their sacred obligation to their unfortunate brothers and sisters of the Punjab in their suffering and distress. He said that he fully realized that many refugees had gone through the tragedies of



DELHI DISTURBANCES, SEPTEMBER, 1947.

A wireless transmitter captured from a Muslim house at Pahar Gunj.

indescribable horror and atrocities of unspeakable brutality. They and their relatives had passed through a veritable hell in which human beings had sunk to levels lower even than those of the most savage animals. At the same time he asked the people to remember that any attempt at retaliation or revenge would only divert the energies of Government from the task of relief and succour "to our friends across the border."



Mahatma Gandhi

The situation, however, was tense. Cases of stabbing and arson took place on Thursday, September 4, 1947, necessitating the imposition of curfew and the calling out of the military. Friday witnessed large scale rioting in the city, and the whole city was put under curfew. On Saturday, arson and stabbing became the order of the day in certain areas of the capital. The Chief Commissioner of Delhi resorted to firm action to restore peace and within a few days the situation returned to normal. On September 12, 1947, Sardar Vallabhbhai Patel again appealed to the people in a broadcast to contribute their utmost to the maintenance of law and order and essential services in the capital city. By September 15 the city had become quiet.

Replying to a question by Sahib Bahadur B. Pocker in Indian Parliament on December 3, 1947, the Home Member gave the following account of the Delhi disturbances: "The Government had some indications that trouble was likely to occur in Delhi and neighbourhood and they took all reasonable precautionary measures, but the sudden onrush of a large number of refugees who were victims of unimaginable cruelties and barbarities from Lahore, Sheikhpura and other parts of the Punjab seriously upset the position and the desertion of the bulk of the Muslim element of the Police Force, which was in majority at the time, seriously crippled the effectiveness and efficiency of the Police Force and until effective military and police strength could be brought to Delhi from outside the disturbances could not be brought under control. Even then the Government felt that they were on top of the situation in a much shorter time than elsewhere."

## SECULAR STATE

On September 29, 1947, Pandit Nehru, addressed a public meeting in which he reminded the people that they had a culture and a civilization for which India had always been known. The Prime Minister admitted that the Muslim League had done incalculable harm to the country and he added that the demand from any section of the people to make India a Hindu State was a virtual victory of the Muslim League.



The Prime Minister laid down the policy of the Government of India in a Press Conference in New Delhi on October 12, 1947: "So far as India is concerned we have very clearly stated both as Government and otherwise that we cannot think of any State which might be called a communal or religious State. We can only think of a secular non-communal democratic State, in which every individual, to whatever religion he may belong, has equal rights and opportunities." It was natural for the predominant cultural outlook of a country to be governed by the majority of its population; but no person should have a special right because he happens to profess a particular creed and no person should be deprived of any right because he professes some other creed. "We want a secular democratic State. That has been the ideal of the Indian National Congress ever since it started 65 years ago and we have consistently adhered to it."

Questions had recently arisen about the loyalty and allegiance of the people to the respective States in which they may reside. "It was obvious," said the Prime Minister, "that every State expects loyalty and allegiance from its citizens to whatever religion they may belong, . . . whether they are Muslims in India or Hindus in Pakistan. Those people who live in a State will be required to and should give their allegiance to that State. Otherwise they will have to be treated as aliens with an alien's disqualifications."

## MAHATMA GANDHI

Across the border, life was becoming impossible for the non-Muslim minorities. Assurances of safety and security were offered to the minorities by the leaders of Pakistan, but these assurances were devoid of any reality and were made to mislead international opinion. Even agreements made with the Government of India regarding evacuation by the two Dominions were being flouted by Pakistan. The refugees, for instance, were being searched and personal effects like sewing machines, crockery, ornaments and even wearing apparel were being seized. In West Punjab and N.W.F. Province the non-Muslims were being subjected to all manner of indignities and the Government did nothing to improve the situation. According to official reports received by East Punjab Government, "females were separated from their



Country-made guns, bombs, cartridge moulds and mortars captured from a Muslim locality at Pahar Gunj during Delhi disturbances.

males at Jhelum. Males were all herded together and cut down with axes and saws, as orders were issued not to waste a round on Kaffirs. The womenfolk were then allotted so many to each group of Pathans". In Gujarat area the number of abducted girls was estimated at 4,000. At certain places general traffic in women proceeded and abducted women were sold in the open market. Refugee trains were attacked, passengers killed, girls forcibly taken away and property looted practically every day. Miss Mridula Sarabhai, who did rescue work in West Punjab, herself noticed quite a number of girls being taken away by Pathans from trains.

In India, however, the influence of Mahatma Gandhi was making itself felt and restraining people from resorting to excesses.



### OLD DELHI RETURNING TO NORMAL.

A scene at the Fountain, Chandni Chowk, Delhi. Muslims and others are moving about freely.

Gandhiji's message of truth and non-violence had inspired the Indian people for over a generation. This message represented that undying spirit of Indian culture which had kept India alive through the vicissitudes of her history. "Truth and non-violence," as stated by Dr. Rajendra Prasad, President of the Indian Constituent Assembly, "were unfailing weapons which, without arms and armaments, won for India the invaluable prize of Swaraj, at a price which, when the history of these times comes to be written, will be regarded as incredible for a vast country of our size and for the teeming millions of our population." Truth and non-violence taught us to stand for justice and to be respected as well as to respect the rights of others. Fair treatment of the minorities was the sheet-anchor of the Congress policy under the in-

spiration of Mahatma Gandhi, and the Mahatma's presence in Delhi on the eve of the riots was the best assurance that human passion would not assume the bestial aspect that it had assumed in Pakistan.

Mahatma Gandhi's birthday, October 2, was marked by a countrywide expression of goodwill on the part of the non-Muslims towards the Muslims and of loyalty and allegiance on the part of the Muslims of the Indian Union. The leader of the Muslim League Party in the Orissa Assembly said that the safety of the Muslims in India lay in forgetting completely the Two-Nation Theory and in owing allegiance to the Indian Union. Dr M. Hasan, former C.P. Minister, advised the Indian Muslims honestly and seriously to render allegiance and loyalty to the Indian Union and to disband forthwith the Muslim League Organization in India. Nine leading members of the Muslim community of Bombay issued a statement in which they said that "if there are even now any Muslims in the Indian Union who believe in the Two-Nation Theory, the honourable course for them is to migrate to Pakistan." The U.P., Bihar and Madras Muslim Leaguers also affirmed the allegiance of the Muslims of India to the Indian Union.

There were, no doubt, instances of several prominent Leaguers who had migrated to Pakistan to take up some important office or position there practically immediately after the making of public affirmations of their loyalty to the Indian State. Such instances naturally tended to mar the healthy effect which the Muslim expression of allegiance to the Indian State had created. But on the whole, the atmosphere tended gradually to return to normality in East Punjab, Delhi and West U.P. The other Provinces of the Indian Union had not been affected by the disturbances at all. The relations between the communities had throughout remained cordial and happy. In East Punjab and West U.P., estrangement between the communities was the direct reaction to the stories of horror and oppression which the non-Muslim refugees from West Pakistan had brought with them, but even this estrangement was quickly conquered by the presence of Mahatma Gandhi in Delhi and as a result of the policy of the secular State so unequivocally laid down by the Government of India.

live'. The Deputy Prime Minister said in his Calcutta speech of January 8, 1948 :

"So far as Pakistan is concerned India only wishes to be left alone. I would tell Pakistan authorities, 'You have now got Pakistan. I wish you joy of it....You make Pakistan a heaven on earth. We ourselves welcome it, for after all we will also benefit from it....' I would, therefore, earnestly plead that Pakistan authorities should reflect on the course which they have adopted (reference to Kashmir affairs). I can assure them that we have nothing but their good at heart and want nothing more than to be left in peace. Let them, therefore, create conditions in which both Governments can settle down to their responsibilities and to the task of amelioration which demands urgent attention."

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## CHAPTER IV

# MIGRATION OF POPULATION AND REHABILITATION

When the rest of India was celebrating the coming of independence on August 15, 1947, the unhappy land of the five rivers was undergoing the sufferings of migration. Although the Muslim League had been assiduously arousing communal frenzy in the country especially since the launching of Direct Action on August 16, 1946, still few had imagined that disaster of such intensity occasioned by a wholesale transfer of population would be the result of the partition of the country. It has been estimated that over 12½ million people have been uprooted from their settled homes and cut off from their old moorings. Up to June 15, 1948, about 55 lakhs non-Muslims are estimated to have been brought over to India from West Punjab and other Provinces of Western Pakistan and during the same period about 58 lakhs Muslims were moved into Pakistan from East Punjab (including East Punjab States), Delhi, U.P., Ajmer-Merwara, Alwar, Bharatpur, Gwalior and Indore. During the same period about one and a quarter million non-Muslims crossed the borders from Eastern Pakistan into West Bengal. The total comes to about 3 per cent of undivided India's population. There are still nearly 4 lakhs non-Muslims awaiting migration from Western Pakistan, especially from Sind.

Neither of the two new-born Dominions had foreseen these developments or made preparations to meet their consequences. The blow was so sudden that they almost reeled under it, and it was only after some weeks that they awoke to the magnitude of the task facing them. Every day that passed made it more and more clear that migration from Pakistan to the Indian Union was no longer a matter of personal choice for the non-Muslims. People were forced to migrate on account of the orgy of murder and loot connived at, if not actually encouraged, and in some cases freely participated in, by the Police and the Military. The Indian Government lost no time in realising that it would have to evacuate the whole Hindu and Sikh population from West



#### STATES MINISTRY'S CONFERENCE ON REFUGEE PROBLEMS.

Photograph taken during the conference of States and Provinces convened by the Hon'ble Sardar Vallabhbhai Patel, Minister for States, on October 6, 1947, to discuss refugee problems. It was decided to form a committee to settle the priority and routes for evacuation of Muslim refugees either by train or on foot. Left to right: H. H. the Maharaja of Alwar (second from left); H. H. The Maharaja of Bharatpur; H. H. the Maharaja of Patiala; the Hon'ble Sardar Patel; Mr. V. P. Menon, Secretary, Ministry of States; Pandit Govind Vallabh Pant, Premier, U. P.; Dr. Gopi Chand Bhargava, Premier East, Punjab; and Sardar Swaran Singh, Home Minister, East Punjab.



A REFUGEE SPECIAL TRAIN AT AMBALA CANTT. STATION

There would appear to be no room either inside or on the top of the train and yet passengers continue to squeeze in somehow. In the centre of the picture, an old man starts to climb a thin bamboo ladder on to the roof of a goods wagon.

Punjab and North-West Frontier Province, to which Sind was added when disturbances broke out there early in January, 1948.

#### EVACUATION

During the first few weeks of the evacuation, organized under Government auspices, on an average more than 50,000 non-Muslims were brought to safety every day by all available means of transport — railways, motor lorries and aircraft. Trekking on foot was the quickest means of evacuation for the largest number of refugees. Huge foot convoys each 30,000 to 40,000 strong, covered under military escort long distances of 150 and 200 miles





#### REFUGEES ON THE MOVE.

Hundreds of thousands of refugees from Pakistan moved east with their personal belongings such as carts, cycles, utensils, boxes and cattle. Indian Army units escorted them. The resources of the Government were fully mobilized to provide shelter, accommodation and transport to help refugees move from one Dominion to the other. A convoy of non-Muslim refugees from West Punjab on its way to East Punjab nearing Montgomery is seen here.

marching from the colonies of Lyallpur and Montgomery districts to the borders of the Indian Union. From September 18 to October 29, 1947, in 42 days, as many as 24 non-Muslim foot convoys, totalling 849,000 souls with hundreds of bullock carts and thousands of cattle crossed over to India. The Government also ran special refugee trains, and between August 27, and November 6, 1947, it has been estimated that about 673 refugee trains were run carrying over 2,799,368 refugees inside India and across the border. Over 427,000 non-Muslim and over 217,000 Muslim refugees were moved in motor transport under military escort, the Indian Military Evacuation Organization alone using 1,200



**LYALLPUR: EVACUEES IN THE PUNJAB SCOUTS CAMP.**

The expressions on their faces tell a story more eloquent than any words could.

military and civilian vehicles for this purpose. By air, 27,500 passengers were carried to India between September 15 and December 7, and a rather smaller number carried outwards, in 962 flights made by Government-chartered aeroplanes. Nearly 600,000 gallons of aviation spirit were used monthly for evacuation purposes. Even before the rioting in Karachi on January 6, 1948, movement of Hindus and Sikhs out of Sind had been going on at a fairly rapid pace, but this unhurried evacuation received great impetus by these disturbances. Up to January 5, 1948, the total number of non-Muslims who had left Sind by air, sea and rail was 478,000. After that all available shipping space from Karachi to Bombay and Kathiawar was requisitioned for refugee transport. In addition to the regular Persian Gulf Line steamers of the British India Steam Navigation Co., which picked up evacuees from Karachi on their way to Bombay, nine



#### MULTAN.

Non-Muslims awaiting air-evacuation from Multan to Ambala. Her Excellency Lady Mountbatten and Miss Sarabai talk to the evacuees before their departure.

steamers were specially chartered by the Government of India for the purpose.

Organized movement on a large scale from West Punjab, N.W. Frontier Province, etc., was completed by the Military Evacuation Organization by the middle of December, 1947. Clearance of small pockets and rescue of abducted women and forcibly converted persons as well as evacuation from Sind continued afterwards. Evacuation from Sind has proceeded slowly, due in part to the difficulty of the permit system introduced by the Sind Government. Evacuees are required to produce certificates from income-tax authorities, tehsildars, municipalities or other civil authorities that no dues, public or private, are out-



Blankets and razais for refugees.

standing. Sureties are demanded that no debt either of a bank or of a private individual is outstanding and that no ornaments of Muslims are pawned with them.

## RECEPTION

What refugees needed immediately on their arrival in India was food, clothing, shelter and medical attention. The main concentrations of refugees were in East Punjab, Delhi, the United Provinces, Bombay and the East Punjab and Rajputana States. It was estimated that towards the end of the year 1947 over 1,250,000 refugees were given shelter in 160 camps all over India, the daily expenditure on these camps running into several hundred thousands of rupees. During 1947-48 a budget provision of Rs. 10 crores was made for relief by the Central Government. Except in the case of camps organised for Sindhi refugees, the responsibility for provision of relief on the camps situated in the Provinces and the States rested on the Government of those Provinces and States. The Kurukshetra Camp, however, which at one time sheltered 300,000 persons, was taken charge of by



Photograph taken on the occasion of flag hoisting ceremony at the Red Fort, Delhi.

the Central Government in November, 1947. Similarly camps for Sindhi refugees were set up in the first instance by the Central Government. After being run by the Central Government for about 5 months, they were handed over to the Provincial Governments and States concerned. The Central Government undertook to finance the entire expenditure on relief camps.

## RELIEF

To provide accommodation for the refugees as many as 181,548 tents were put up in the various camps. Refugees were also lodged in localities evacuated by Muslims, in charitable and religious institutions and in schools and colleges, some of the localities having been declared as refugee camps. Considerable numbers of refugees, of course, stayed with their friends and relatives.

It had been decided between the Government of India and the Pakistan authorities that each Government would provide food and other necessities of life in equal measure to all refugees inside their territories during the process of migration. Nevertheless, the Government of India had to arrange for the supply of foodgrains by RIAF planes to a large number of non-Muslim refugee camps in West Punjab, and the Military Evacuation Organization had to despatch foodstuffs in motor lorries to various points inside Pakistan. In the refugee camps situated in India, food was supplied by the Government free to Muslims and non-Muslims alike. In the Kurukshetra camp alone, there was a daily consumption of 100 tons of flour; and although no precise calculation of the total corn, salt, sugar, milk, cooking oils and charcoal supplied to and consumed in the refugee camps have so far been made, it is obvious that the consumption of foodstuffs and other items was enormous. For the help of the refugees, the Government had to arrange for doctors and medical supplies. Several non-official organizations took part in the provision of medical help. The Indian Army provided a field ambulance and surgical unit, an anti-malaria unit and several motor ambulances.

Winter in the Punjab is very severe. After days of semi-starvation and ceaseless tramping, the refugees were in need of protection from cold. Lakhs of blankets were despatched to East Punjab, Delhi and Kurukshetra. About 10,000 blankets for the relief of non-Muslim refugees then in Pakistan camps were flown to West Punjab. Millions of yards of cloth of various kinds including shirting, malmal, drill etc. was supplied for distribution in the refugee camps. Up to January 7, 1948, the Ministry of Relief and Rehabilitation had sent 2,300,000 yards of various kinds of cloth to the camps in East Punjab alone. Readymade garments like shirts, jerseys and trousers were obtained from the Directorate-General of Disposals and despatched to various places. The number of readymade garments despatched by the Ministry of Relief and Rehabilitation to the camps in East Punjab was 1,500,000 up to January 7, 1948. This was in addition to large quantities of old and new readymade garments, jerseys, blankets etc., which were received by the Ministry of Relief and Rehabilitation from all over India in response to the appeal of the Hon'ble the Deputy Prime Minister.

In future history it will be said that vast and colossal as this problem was, something which might shake the very foundations of Government and the social order, the people of India stood up to it bravely, tackled it and, I hope, ultimately solved it to the advantage of the Nation.

—JAWAHARLAL NEHRU

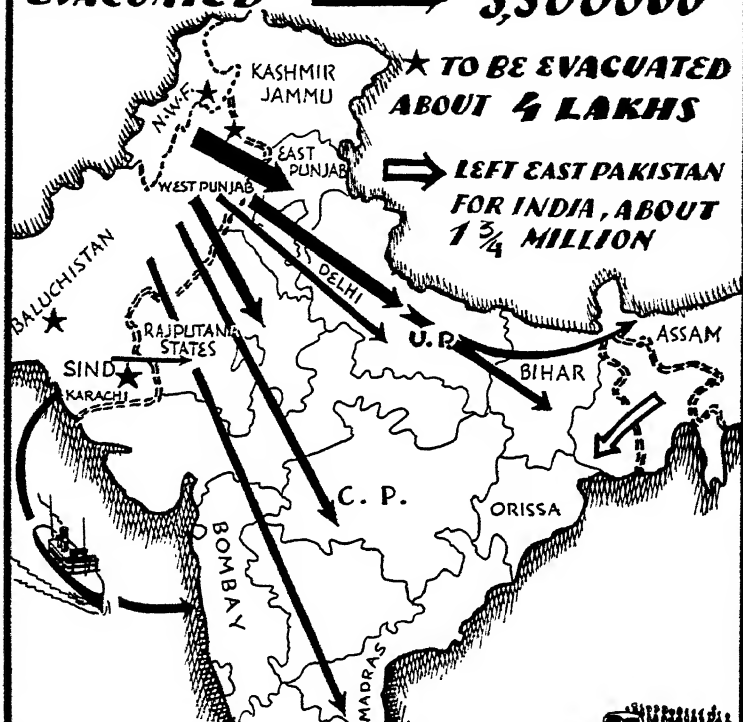
Nowhere in history has a transfer of population of such dimensions taken place in such a short time and under such circumstances. The Government was faced with this problem at a time when the administrative machinery was out of joint as a result of partition and when it had hardly settled down to the task of governing free India. In the matter of preliminary relief, that is, the provision of food, clothing, and medical aid, the Government had not shirked in either resources or efforts. It was in the matter of housing accommodation that they were faced with an over-all shortage—and this shortage has provided the hardest core of dissatisfaction and discontent among the refugees.

## DISPERSAL

Soon after their arrival in India, the refugees were dispersed to various Provinces and States. Dispersal began on November 28, 1947. A transit camp was established where families selected for dispersal to various Provinces and States were accommodated until trains were available. Before undertaking dispersal it had to be decided whether the ultimate objective of refugee policy was repatriation or resettlement. Mahatma Gandhi had always been of the opinion that the migrants must eventually return to their homes and lands and that the two Dominion Governments must extend the fullest protection to their minorities. But as time went on, it became increasingly clear that Pakistan was tending to become a purely Islamic State and that so feverishly were passions being aroused by its leaders that there did not appear much possibility of non-Muslim minorities going back to their homes with peace and honour. Dispersal had, therefore, to be effected on the basis of resettlement and rehabilitation. While East Punjab was expected to undertake the

# Uprooted Humanity

EVACUATED → 5,500,000



• 1200 trucks up to end Nov. 47 brought 427000 per.

• 673 trains (6 Nov. 47) 1,362,000 persons.

• 24 foot convoys (18 Sept. - 29 Oct. 47) 849,000 per.

• 9 ships (21 Nov. 47) 133,000 persons

• 962 flights (7 Dec. 47) 27,500 per.





rehabilitation of refugees from the West Punjab, the refugees from North-West Frontier Province, Sind, Baluchistan and Bahawalpur had to be sent elsewhere. Luckily several States offered to absorb agricultural refugees.

The problem of refugees is one of the most stupendous problems any country in the world has ever had to face. It is one of those problems which are not amenable to easy and quick solution.....The public at large have grasped the situation only in its bare outline. Few, who have not come into direct contact with the problem and studied it in detail, can have a real idea of its serious proportions, its far-reaching consequences and the difficulties pertaining to its solution, particularly in the matter of rehabilitation.

—Hon'ble Mr K. C. NEOGY

## REHABILITATION

The rehabilitation and resettlement of refugees raised several complex problems. The occupational structure of non-Muslim refugees was completely dissimilar to that of the Muslim emigrants to Pakistan. Out of the 5½ million refugees who arrived in India from Western Pakistan about 3½ millions were from rural areas and the rest from urban areas. East Punjab could not absorb more than three million evacuees; and as the standard of living of the Muslims who lived in this region before migration was much lower than that of the Hindus and Sikhs coming from West Punjab, it was felt that even the settlement of that number would create difficulties. In the villages, the agriculturists and village artisans who had been deprived of all their possessions needed assistance in the matter of purchase of cattle, implements, and seeds as well as for the repair of houses left in a dilapidated condition by the emigrants. The urban refugees, about 2 millions, could not all be absorbed in the existing towns in East Punjab. A Conference of the Premiers of Provinces and representatives of States was held on July 19 and 20, 1948, at which allocations of refugees to different Provinces and States were decided according to their absorptive capacity.



Refugees queue for loans.

Several States were prepared to absorb agricultural refugees in their economy. But the natural desire of Punjabis not to move too far away from East Punjab led to congestion in that Province and to the influx of a very large number of people in Delhi and in the United Provinces.

For the proper working out of rehabilitation plans, the Government set up a Joint Rehabilitation Council for East Punjab and East Punjab States. At the same time a Rehabilitation Directorate was organized in the East Punjab Government. The policy adopted by the East Punjab Government for rural resettlement was to allot lands vacated by Muslims to non-Muslims on a group basis. This meant that land in a village was given jointly to a group of families coming from the same area in West Punjab. Sometimes two separate groups were accommodated in the same village; when a group was large, it was divided into sub-groups, each being given a separate village. Within the framework of group allotment, each family cultivated the area assigned to it. Certain areas were set apart for seed farms, in which East Punjab was particularly deficient. A scheme of co-operative gardens, covering an area of about 15 acres was prepared in which land was provided to be managed mainly by educated, experienced and successful farmers from West Punjab. In each garden colony, land was set apart for the manufacture of fruit products, cold-storage, dairy and vegetable farming.

To help the restoration of village economy, rehabilitation loans were sanctioned to rural artisans and village servants. To those who were allotted land for temporary cultivation, loans were given for buying seeds and bullocks and for the repair of houses and wells. Training facilities were also provided for those who wished to settle down as rural artisans.

It was decided by the Government that allotment of residential accommodation in the towns should be made available only to those who had come from urban areas in West Punjab. As housing accommodation in urban areas was very limited, a large number of urban refugees had to remain under canvas or in refugee camps until new towns could be developed. The Government of India requested the Provincial and State Governments to explore the possibilities of suburban development in the vicinity



#### RELIEF AND REHABILITATION OF MUSLIM REFUGEES IN BIHAR.

Work in building and repairing houses is proceeding at full speed and in many cases houses have been built within a matter of a few days. Here is a roofing team at work on the roof of one of the new houses under construction.

of large towns and cities all over India. In East Punjab a 2½ crore scheme was prepared for the development of 12 new townships in the Province. At the same time the Provincial and State Governments were asked to give priority to refugees in the management of business left vacant by emigrant Muslims. To facilitate resettlement, the Government granted loans to such displaced persons belonging to urban area as wished to settle down in trade or any profession in a particular town or place where they were likely to be absorbed permanently. Loans were to be granted as a rule through Co-operative Societies and only in exceptional cases to individuals directly. The amount of advance was to be determined according to individual requirements, but



An employment exchange for refugees.

was not to exceed Rs. 5,000 in the case of traders, merchants and those who wished to start small-scale industries, and Rs. 3,000 in the case of doctors, including dentists, radiologists, vaid, hakims and homeopaths, and lawyers, and Rs. 500 in other cases. In Delhi, the Central Government announced the granting of loans up to Rs. 1,000 to those who wished to acquire a tonga or a horse to ply on hire.

To assist large-scale industry and business, a Rehabilitation Finance Administration was set up, which could grant loans to traders, shopkeepers, and those wishing to start their own workshops and cottage industry from Rs. 5,000 to Rs. 100,000. According to legislation passed by Indian Parliament, the Administration is empowered to grant loans to the extent of

Rs. 7 crores and also to rediscount bills of exchange up to one crore rupees. The Administration is empowered to guarantee to banks and other similar institutions against losses to the extent of 50 per cent in any individual case in respect of loans and advances that these institutions may grant to refugees. The total resources at the disposal of the Administration are Rs. 10 crores. On moneys advanced to refugees, the Administration would charge interest at not more than 6 per cent and the repayment of the loans granted would be made in a period not exceeding 10 years.

To assist refugee employment, Employment Exchanges were utilized in Delhi and Simla as well as in East Punjab and West U.P. An Employment Service Organization, with its chain of Employment Exchanges, was fortunately already in existence in the country, having been started nearly two and a half years ago. Its scope was now steadily widened, and it took upon itself the task of placement and training of the uprooted millions from Pakistan. To provide employment to unabsorbed Central Government Employees who had opted for India and the displaced employees of the Government of Sind, N-W. F. Province and Baluchistan, a Transfer Bureau was opened by the Ministry of Home Affairs, and all Ministries were instructed to fill vacancies only after ascertaining that no suitable candidate could be supplied by the Transfer Bureau. The Labour Ministry arranged technical and vocational training for refugees at a number of centres which had been opened for ex-service personnel. Centres were opened in various refugee camps where the refugees could be engaged on remunerative basis in occupations like spinning and weaving, hosiery and knitting, button-making etc. The number of refugees registered through Employment Exchanges in India up to the end of June, 1948, was 219,826, of whom 46,621 involving 182,017 dependents had been placed in employment through this agency.

Laying down priorities to the various aspects of the refugee problem in his speech in Indian Parliament, the Prime Minister said that the Government's first task would be to rescue the younger generation, boys and girls, the future citizens of India, from the social and psychological chaos and to give them right upbringing and proper education. To enable refugee students to resume their studies at the stage where they were interrupted,



Refugees busy making useful articles.

Provincial Governments were instructed to afford them the necessary facilities. Educational facilities were provided to refugee school children by permitting educational institutions to start evening shifts in addition to the regular day classes. Universities in the Provinces and technical institutions all over the country were approached to provide facilities to refugee students in technical subjects, especially medical and agricultural subjects. Schemes were also prepared for the grant of financial assistance to non-Muslim refugee students and trainees which included the grant of loans to students and trainees abroad and students of colleges and technical institutions in India covering the cost of maintenance, books, fees, etc. Deserving school students were exempted from tuition and examination fees and were given grants up to a maximum of Rs. 75 each for the purchase of books, apparatus and stationery. The Ministry of Education provided all facilities to the East Punjab Government for opening a Camp College in Delhi.



Refugees being trained in calico-printing.

The Government realised that relief and rehabilitation of unattached women refugees would be most successfully achieved by employing women workers, for they would properly understand the psychology of their sex. A Women's Section was, therefore, set up in order to organise relief for women and children who happened to be unattached and to help in the recovery of abducted women and in their subsequent training for rehabilitation. Several Homes were started by this Section for the relief and training of women and girls in various vocations, and schools were opened for children. Up to June 30, 1948, four Homes were opened in Delhi and three outside. Up to that date, 8,344 Muslim women were recovered from East Punjab, Delhi and Indian States, and 5,270 non-Muslim women from West Punjab, N.W. F. Province and Bahawalpur State. At the Employment Bureau organized under this Section, 1,094 women were registered, of whom 225 had been placed in employment.





Refugees busy making shoes.

To help the rehabilitation of a large number of unskilled and semi-skilled people, the Government thought of starting a number of cottage industries throughout the country. Recently the Ministry of Relief and Rehabilitation has set up a Rehabilitation and Development Board with the idea of carrying out a survey of the country's resources for the purpose of planning and development. The Board has been specially instructed to examine the possibilities of developing small scale and cottage industries.

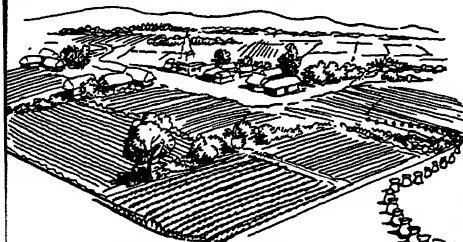
#### EVACUEES' PROPERTY

Owing to inter-Dominion migration of population, a number of complicated questions arose regarding evacuees' property and assets. In regard to payment of pensions, transfer of savings bank deposits and bank accounts, removal of assets of trusts, and operation of safe deposit vaults, the Governments of the two Dominions undertook :

- (1) That no restrictions would be placed on the transfer of savings bank deposits and bank accounts from one Dominion to the other. Residents in each Dominion could hand over their pass books at the nearest post office in the case of savings bank deposits and at any one office designated and notified in the press by each bank in the case of bank accounts, from where they would be transmitted to the other Dominion after verification of signatures.
- (2) That the Provincial Governments in either Dominion would take measures to facilitate transfer of pension papers without delay.
- (3) That for the removal of valuables from a safe vault an application would be made to the Custodian of Evacuees' Property in the Province concerned for obtaining a permit to operate the locker. In granting permits the Custodian would naturally satisfy himself that no claims against the applicant in respect of the valuables concerned are pending. In pursuance of this agreement the West Punjab Government has recently announced its decision to permit non-Muslims who had lockers in banks and safe deposit companies in Lahore to have access to them, and to issue 30 permits a day for this purpose.

As regards other property left behind by the evacuees, the West Punjab Government issued an Evacuees' (Administration of Property) Ordinance under which all the property of the evacuees was vested in a Custodian of Evacuees' Property. The Custodian was given wide powers in regard to the control and administration of property thus falling under his charge : he could sell, lease, or otherwise utilise any property for rehabilitation purposes; out of the money realised from the property he could pay taxes, duties, cesses and rates which might be leviable by the Pakistan Government or meet any claims against the person or property of the evacuee concerned. Any expenditure incurred by the Custodian in carrying out his duties under the Ordinance was to be a charge on the properties in question in such proportion as might be prescribed and was to have priority over all other

# LOSSES



AGRICULTURAL LAND  
LEFT BY NONMUSLIMS  
IN WEST PAKISTAN  
EXCEEDS THAT LEFT BY  
MUSLIMS IN EAST PUNJAB  
BY 120000 ACRES

CLAIMS REGISTERED IN DELHI  
ALONE UPTO JULY 22 NUMBER 94364 OUT OF  
WHICH 66583 EXCEED

## 806 CRORES

# RELIEF



160 RELIEF CAMPS ESTABLISHED IN TENTS, MILITARY BARRACKS, SCHOOLS, DHARAMSHALAS



20,600 LARGE SIZE TENTS TO ACCOMMODATE 400,000 PERS. & 1,50,000 BIVOUAC TENTS  
TO ACCOMMODATE 300,000 PERSONS

## FOOD

DAILY RATION PER ADULT

WHEAT OR RICE 100g. DAL 10g.  
VEGETABLES 10g. VEG. GHEE 1/2 oz.  
SALT 1/2 oz. CUR OR SUGAR 1/2 oz. MILK FOR CHILDREN UNDER 5y.

### QUANTITY SUPPLIED

78,000 TONS FOODGRAINS ALLOTTED  
FOR OCT. 8 NOV. TO E. PUNJAB

800 WAGONS OF SALT - 13 NOV. 47

## CLOTHING

RATION PER PERSON

OR  
1 KAZI OR 1 BLANKET  
OR  
1 GREAT COAT  
OR  
1 SHIRT 1 BUNDI OR JAKI 1 KURTA 1 DUPATTA  
OR  
1 PYJAMA 1 SHORI 1 TURBAN FOR SIKH 1 SALWAR  
TOTAL CLOTHING SUPPLIED TO E. PUNJAB CAMPS UP TO T-1-48

1,500,000 READY MADE GARMENTS

158,202 KAZIS AND BLANKETS (22-1-48)

450,000 SOAP CAKES

2,300,000 YARDS OF CLOTH (7-4-48)

## MEDICAL AID

1,000 HOSPITAL BEDS  
AT KURUKSHETRA CAMP



10,000,000 DOSES OF  
VACCINE - (16 NOV. 47)

4,500 lbs. OF  
MEDICAL STORES

charges. The East Punjab Government similarly passed the East Punjab Evacuees' (Administration of Property) Act, which was later extended to Delhi Province and Ajmer-Merwara. Under the provisions of this Act, cash deposits in banks were excluded from the scope of evacuees' property, and an evacuee meant a person ordinarily resident or owning property or carrying on business within the said territories, who leaves or has since left the said territories for a place outside India on account of civil disturbances or the fear of such disturbance or the partition of the country.

## CLAIMS

With the object of getting some idea of the extent of property left behind by non-Muslims in Pakistan and of obtaining a record of all documentary evidence of title that individuals may have brought out, arrangements were made by all Provincial Governments in India for the registration of refugees' claims regarding property left behind in Pakistan. The Ministry of Relief and Rehabilitation clearly announced that the registration of claims did not imply that the Central Government was assuming any responsibility for the payment of such claims over the counter. It will give a rough idea of the amount of loss incurred by the refugees as a result of migration from Western Pakistan to India, that in Delhi alone up to July 22, 1948, over 94,364 claims were registered with the Registrar of Claims. The registered value of 66,583 claims from out of these, so far consolidated, comes to Rs. 806 crores.

An agreement on the settlement of the troublesome question of evacuees' property in Bengal was recently concluded between India and Pakistan at a Conference held in Calcutta during April, 1948. It lays down that the Governments of East and West Bengal will provide legislation providing for the setting up of Evacuees' Property Management Boards in districts or areas from where a substantial exodus has taken place. These Boards will assume management of properties only on the definite request of their owners. Their functions will be of a managerial character and they will not have the power to alienate the property entrusted to them for management. It is obvious that this agreement refers to Eastern Pakistan only. But it may be hoped that

settlement of the question with reference to Western Pakistan will also be made soon.

Consequent on a wholesale migration of population from one Dominion to the other, arrangements became necessary also for such things as the withdrawal of legal proceedings pending in the two Dominions, and for the remittance of sentences or punishment ordered upon those who had been convicted. From January 13, 1948, it was agreed between India and Pakistan that the programme of exchange of under-trials and prisoners would begin between East and West Punjab. Unfortunately this agreement has not worked,\* as the Pakistan Government have taken the attitude that the question of repatriation of prisoners from the States in Indian Union should be first settled.

#### EVACUATION OF NON-MUSLIMS FROM SIND AND BAHAWALPUR

Evacuation from Sind is proceeding slowly. It has been estimated that there are about 300,000 non-Muslims still in Sind. The delay in their evacuation is caused by the permit system introduced by Sind Government, under which intending evacuees take considerable time to be ready to leave. For the evacuation of these people special trains have been arranged to be run from Hyderabad (Sind) or Mirpurkhas to Marwar junction where transit camps have been set up for reception. Five ships a week, with a total capacity of 11,000 passengers, have been put on the Karachi-Bombay line and four ships a week, with a total capacity of 4,000 passengers, are plying between Karachi and the Kathiawar ports.

No evacuation from Bahawalpur State was possible for nearly four months, as the State authorities did not permit non-Muslims to leave. The Nawab gave the permission ultimately as the result of the visit of Dr Sushila Nayyar and Mr Leslie Cross at the instance of Mahatma Gandhi, and the movement of refugees by rail from Bahawalpur to India has started since February 11, 1948.

#### EAST BENGAL MIGRATION

There has not been any riot or violent outburst in East Bengal since partition; but economic pressure and the new social order

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\*Exchange of prisoners has since taken place between the Dominions.

consequent on a somewhat aggressive assertion of Muslim supremacy in an avowedly Muslim State have forced many Hindus to cross the frontier to West Bengal. It has been estimated that by now over one million people have migrated to West Bengal from East Bengal, and this means a great strain upon the economy of West Bengal. The whole question was discussed at the Inter-Dominion Conference recently held in Calcutta. The Conference has laid down unexceptionable principles and has also provided organization for putting these principles into operation. Each Dominion has recognized that it is its duty to do justice to its minorities. What justice means has been broadly specified; and provincial and district board representatives of the minorities have been given the task of ensuring that these objectives are attained. It may be hoped that as a result of the working of this agreement the flow of non-Muslims from East Bengal will diminish.

## RETURN OF MUSLIM EVACUEES TO INDIA

During the last two months there has been a continued movement of Muslims from lower Sind, mainly from Karachi and Hyderabad, back to India. Almost all the Muslims returning to India are moving to Delhi Province or to west U.P. Various reasons have been put forward to explain this movement. Sind has welcomed agricultural labourers, but its agriculture, based only on occasional irrigation, is unfamiliar and intensely difficult to those accustomed to the more generous canals of U.P. and to well irrigation. To the non-agriculturist, Sind has nothing to offer. However that may be, the return of Muslims will impose a heavy strain upon the economy of the Dominion. Cognizant of this danger, the Government of India has recently introduced the permit system to check this movement.

## CHAPTER V

# PROBLEM OF INDIAN STATES

## LIQUIDATION OF PARAMOUNTCY

The Plan of June 3, 1947, had, like the previous proposals of the Cabinet Mission of May 16, 1946, dealt almost exclusively with the problem of the transfer of power in British India. The only reference to Indian States in these proposals was a small paragraph which stated that the policy previously outlined by the Cabinet Mission in 1946 remained unchanged. The Indian Independence Act passed by Parliament in July, 1947, provided that

“the suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the Rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date towards Indian States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise.”

In the whole plan, beyond the provision enabling the States to accede to either of the two Dominions there was absolutely nothing said about the role of the States in the new set-up in India where two independent Dominions were now going to be established.

This appeared to create a serious problem for independent India to be, for it caused on all sides considerable apprehension that the integrity of the country might not be kept up. The Indian States were so far flung, so disparate in size and strength, and so cut up by intervening Indian territory that the formation of a federation of the States in India would be an impossible adventure. And if they did not come into the Indian Union as a federal group they would have to come in either as so many

individual units or as groups formed of contiguous States. Alternatively, they would remain completely independent units like so many islands, a kind of no man's land, cut off from the rest of India. The problem seemed a gigantic one but, as Lord Mountbatten said in his address to the Indian Constituent Assembly on August 15, 1947, it was tackled successfully by the "far-sighted statesman," Sardar Vallabhbhai Patel.

The overwhelming majority of States were geographically linked to India, and therefore this Dominion had by far the greater stake in the solution of the States' problem. To conduct the relations of the Government of India with the States in matters of common concern, a separate States Department was formed on July 5, 1947, and Sardar Vallabhbhai Patel assumed charge of it. The States Minister pointed out to the Rulers that even outside the field of Paramountcy there existed a very wide scope in which relations between India and the States had been regulated by enlightened mutual interest and could continue to be so regulated. Paramountcy, in the sense of submission of States to foreign will, was always an unjustified expedient and had properly been brought to an end, but Sardar Vallabhbhai Patel said that it would be highly unfortunate if this freedom from domination now won were utilized in a manner which would be injurious to the common interest of India or which militated against the ultimate paramountcy of popular interest and welfare or which resulted in the abandonment of that mutually useful relationship which had developed between British India and Indian States during the last century.

## ACCESSION

The States Minister appealed to the Rulers to accede to the Union in matters of common concern and to join the Constituent Assembly. Defence, Foreign Affairs and Communications were three widely accepted subjects in which the interests of the Union and the States were common. On this even the States Rulers had expressed their agreement when they met together to appoint their Negotiating Committee for the purpose of negotiating with the Committee appointed by the Constituent Assembly and to consider the report of this Committee afterwards. It was, as Lord Mountbatten said, a great triumph of realism and sense of



responsibility on the part of the Rulers of the States as well as the Government of India that an Instrument of Accession was produced on the basis of these three subjects which was equally acceptable to both sides and which was so simple and straightforward that within less than three weeks practically all the States concerned signed it and a unified political structure covering over three hundred million people and the major part of the Indian sub-continent was established.

By August 15, 1947, as many as 136 Salute and fully jurisdictional States had signed the Instrument of Accession and acceded to the Union. To put the matter differently, only two States of first class importance had remained outside the Union, viz Junagadh and Hyderabad. Kashmir had refrained from acceding to either the Dominion of India or Pakistan; being contiguous to both Dominions, it decided to remain outside the ambit of both.

## JUNAGADH

It was clearly understood from the very beginning that although the States were theoretically free to link their future with whichever Dominion they wished or to remain independent, there was the principle of geographical contiguity which could not be evaded in deciding the question of accession. Addressing a special meeting of the Chamber of Princes on July 25, 1947, the Viceroy in his capacity as Crown Representative had explained this quite clearly to the Rulers of Indian States and their representatives. The Nawab of Junagadh attended this meeting. Still he decided, without asking the advice of his subjects and against the advice of his fellow princes of Kathiawar, to accede to Pakistan instead of to the Indian Dominion with which the State of Junagadh was geographically contiguous.

The Government of India lost no time in informing the Government of Pakistan of the impropriety of this accession, and demanded a clear verdict by public referendum. The Nawab never having consulted his people in regard to accession, could not face the difficulties created by the geographical situation of the State and the will of his own people, and left the State with all the members of his family. Unable to cope with the rising tide of public feeling, the Dewan and the Commissioner of Police,



A Razakar rally

who were left in charge of the administration of the State, ultimately approached the Indian Government Regional Commissioner at Rajkot with the request that the Government of India should take over the administration of Junagadh.

The administration was taken over on November 9, 1947, but the Government of India proclaimed that they would decide the question of Junagadh in accordance with the wishes of the people of Junagadh. A plebiscite was accordingly held in Junagadh as well as in the smaller States, which were at one time claimed by Junagadh, from February 12 to February 20, 1948. The result of the plebiscite was in all cases overwhelmingly in favour of accession to the Indian Union. In Junagadh, where the total number of voters on the roll was 200,569 (21,606 Muslims and 178,969 non-Muslims), the number of votes polled was 190,870. Of these, 190,779 were for India and only 91 for Pakistani.



HYDERABAD SIGNS AGREEMENT WITH THE GOVERNMENT OF INDIA. His Excellency Lord Mountbatten, Governor General of India, affixing his signature to the agreement with the Hyderabad delegation. Seated on His Excellency's right are Mr. Abdur Rahim, Mr. Pingala Venkatarama Reddy and Nawab Moin Nawaz Jung, members of the Hyderabad delegation. Mr. V. P. Menon, Secretary, Ministry of States, on His Excellency's left.

## HYDERABAD

For several weeks the Nizam of Hyderabad was unable to come to any decision on the question of accession. A standstill agreement for one year in the first instance was eventually signed on November 29, 1947. This agreement stated that "until new agreements in this behalf are made, all agreements and administrative agreements as to the matters of common concern, including External Affairs, Defence and Communications which were existing between the Crown and the Nizam immediately before August 15, 1947, shall in so far as may be appro-



#### INVADER'S HANDIWORK IN KASHMIR.

Armed bands, consisting of tribesmen from the north-west frontier of Pakistan and others raided the beautiful Srinagar valley in October, 1947. Baramulla with a population of 15,000 is a town 32 miles west of Srinagar and at the head of Jhelum gorge. The raiders looted the place, burnt buildings, killed the inhabitants indiscriminately and abducted women. This photograph of Baramulla, taken after it was liberated by Indian Army troops on November 8, shows the extent of damage done by the raiders to this once populous and thriving town.

prate continue as between the Dominion of India and the Nizam."

The conclusion of a standstill agreement was expected to create an atmosphere of goodwill between the Indian Dominion and the State of Hyderabad. Unfortunately tension has not yet eased. The reactionary communal sentiment in the State found expression in the organization called Majlis-i-Ittehad-Musalmeyn, with its military volunteer corps of Razakars, which asserted that the sovereignty of the Hyderabad State vests in the 20 lakh Muslims of the State, of which the Nizam is merely a symbol. The total population of Hyderabad is over 163 lakhs, of which Muslims form a minority of just 12 per cent. The standstill agreement could have resolved the conflict if the Nizam had acted in pursuance of the spirit of the agreement. He did not do so, however, and life and property of the people were being increasingly subjected to the tyranny of the Razakars. The Government of India made several attempts to arrive at a friendly settlement of the problem of the relations between India and Hyderabad but these were negatived by the extremist communal attitude of the Majlis, which apparently was able to dictate the course of policy in the State. But, as the Indian Prime Minister said, it is impossible for Hyderabad to stand against the tide of the time and continue with its mediaeval feudal system of Government especially when people are enjoying responsible government everywhere else in India, in Provinces as well as in States. As the Razakar's activities continued unabated, the Government of India finally made up its mind to take *police* action against Hyderabad and reoccupy the cantonment of Secunderabad, which had been vacated under the terms of the Standstill Agreement. The Razakar-controlled government of Hyderabad opposed the entry of Indian troops for five days and then offered its surrender. The Nizam confessed that he was helpless in the hands of the Razakars. It is now certain that the settlement of affairs in Hyderabad will be made in conformity with the broad policy pursued in the other States by the Government of India.

## KASHMIR

The State of Jammu and Kashmir is geographically contiguous to both India and Pakistan, and, as it had vital economic



A PANIC-STRICKEN CROWD IN DUDHANI VILLAGE.  
This village was looted by the Razakars the night before.

and cultural links with both, the Ruler of the State wished to take time to decide to which Dominion the State should accede or whether it was not in the best interest of the State to stand independent with cordial and friendly relations with both Dominions. While the State authorities were thus in the process of coming to a decision on the question, a perfidious attack was made on Kashmir from the north-west by raiders from the tribal area with the assistance of Pakistan. "Afridi soldiers in plain clothes and desperadoes with modern weapons were infiltrated into the State at first in Poonch area, then in Sialkot and finally in mass in the area adjoining Hazara district." Unable to face with the limited number of troops at the disposal of the State the mass infiltration of tribesmen coming regularly in motor trucks and fully armed with up-to-date weapons, the Maharaja appealed to the Government of India on October 24, 1947, to



#### FIGHTING IN THE URI-CHAKOTHI SECTOR.

While a team of Royal Indian Engineers reconstruct a bridge left burning by the retreating raiders along Uri-Domel Road, a column of Indian Infantry continues their onward rush towards their next objective. An eightfoot plank forms an improvised bridge across the rough nallah.

accept the accession of his State to the Indian Union and to rescue the State from wanton aggression. At the same time the Maharaja expressed his resolve to set up a responsible popular Government in the State under the leadership of Sheikh Abdullah, the President of the National Conference.

The Government of India decided to accept the accession of Kashmir State to the Dominion of India, but made it plain that when peace and order was established the question of accession would be settled finally by a reference to the wishes of the people.



#### FIGHTING IN JAMMU PROVINCE.

Indian troops advance in Jhangar area under cover of smoke.

Meanwhile, in response to the Maharaja's appeal for military aid, the Government of India sent troops of the Indian army to help the State forces to defend the territory and to protect the lives, property and honour of the people.

The fighting with the raiders continued, but as the raiders had their base and training centres in the adjoining Pakistan territories it was impossible for the Indian forces to dislodge them without transgressing the international law and crossing over into Pakistan territories. The Government of India requested the Pakistan authorities not to allow their territory to be used by the raiders; but Pakistan Government kept on professing neutrality in the Kashmir war and its own lack of capacity to stop the raiders from entering Kashmir State. As a last resort, convinced



of the justice of their case and having ample proofs of the complicity of Pakistan authorities with the Kashmir raids and of help to the raiders with weapons, petrol and even military leadership, the Government of India referred the whole case to the UNO Security Council.

After long discussion, the Security Council passed a resolution stating that "the early restoration of peace and order in Jammu and Kashmir is essential and that India and Pakistan should do their utmost to bring about a cessation of all fighting." The Council decided to appoint a commission consisting of 5 members. The Commission visited the Indian sub-continent and proposed to the Governments of India and Pakistan, with a view to facilitating the taking of necessary measures both with respect to the restoration of peace and order and the holding of plebiscite by the two Governments acting in co-operation with each other and with the commission, that they should give a 'cease fire' order to their forces. The Government of India expressed its willingness to do so, but the Pakistan Government refused. The world has now to see what this Commission will do and how the larger question of Indo-Pakistan relations, which the Pakistan representative had so vigorously raised before the Security Council, will be ultimately decided.

## SEMI-JURISDICTIONAL AND NON-JURISDICTIONAL STATES

The States Ministry designed a separate Instrument of Accession for the semi-jurisdictional States. In their case the Dominion of India was permitted to "exercise in relation to the administration of civil and criminal justice in these States all such powers, authority and jurisdiction as were at any time exercisable by His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States." In regard to non-jurisdictional Talukas, Thanas and Estates, the Political Department had sought in 1943 to integrate them with the larger States in whose neighbourhood they happened to be situated by introducing an attachment scheme, which was now terminated. On August 15, 1947, all these Estates were taken under the direct protection of the Dominion Government by giving to the chiefs



#### INAUGURATION OF THE UNITED STATES OF KATHIAWAR.

In the presence of Sardar Vallabhbhai Patel, Deputy Prime Minister of India, the Jamsaheb of Nawanagar, Rajpramukh of Saurashtra, takes the oath of office on February 15, the historic date when the United States of Kathiawar came into being.

the privilege of executing Instruments of Accession suitably drafted to meet their requirements.

#### MOVEMENT FOR RESPONSIBLE GOVERNMENT

With the coming of independence to India the movement for responsible government in the States naturally became more vigorous. Some Rulers who were quick to see the signs of the times gave responsible government to their people without trouble. As the Deputy Prime Minister of India said, "it has already become obvious that if a Ruler lags behind in the movement for the establishment of full responsible government, he will do so

to his disadvantage and to the disadvantage of his people;" for when the new constitution framed by the Indian Constituent Assembly is put into effect it will be a most unfortunate position for a State to have a system of government contrasting with the underlying spirit of the new Indian constitution.

## MERGERS AND UNIONS

Another result of the coming of independence and of the partition of the country has been the growing realization that the era of small states had ended. The problem came into prominence when in the Eastern States there was a popular movement asking for the democratization of the State Government, the strain of which the authorities found it difficult to withstand. In one of these states, namely, Nilgiri, the Ruler had to leave the State for his life; in another State in the same area the Ruler was prevented from returning to his capital. The Rulers naturally asked for the intervention of the States Ministry. The Ministry was anxious to find some permanent solution of what was going to be a troublesome question. Discussion between the States Minister and the Rulers brought a solution in sight, and that consisted in the administrative integration of the States territories with the adjoining Provinces.

Historians will find ample precedents for States' mergers in Germany and Central Europe as recently as the 19th century. Free cities, duchies, bishopries, baronies and tiny principalities were then grouped together. In India also agreement was made with the Rulers, by which the Rulers were allowed to retain their hereditary titles and dignities and were guaranteed a fixed annual revenue in perpetuity. The administration of the State was transferred to the Provinces. Under this scheme, 23 States have merged with the Orissa Province involving a total area of 23,653 sq. miles, a total population of 40.5 lakhs and a total annual revenue of Rs. 100.83 lakhs; two States have merged with Bihar, involving a total area of 623 sq. miles, a total population of 2 lakhs and a total annual revenue of Rs. 4.36 lakhs; 15 States have merged with C.P. and Berar, involving a total area of 31,876 sq. miles, a total population of 38.34 lakhs and a total annual revenue of Rs. 88.31 lakhs; 3 States have merged with Madras, involving a total area of 1,444 sq. miles,



#### INAUGURATION OF THE MATSYA UNION.

The Hon'ble Mr. N. V. Gadgil inaugurating the United State of Matsya at the Special Durbar held in Bharatpur on March 17, 1948. The new Union consists of the four States of Dholpur, Bharatpur, Alwar and Karauli. At the ceremony Mr. Gadgil administered the oath of office to the Rajpramukh, the Maharaja of Dholpur, and six Ministers of the new Cabinet headed by Mr. Shobha Ram. Left to Right: H. H. the Maharaja of Bharatpur; H. H. the Maharaja of Dholpur; the Hon'ble Mr. N. V. Gadgil; H. H. the Maharaja of Alwar and Mr. K. V. Seth, Chief Administrator of the New Union.

a total population of 4.83 lakhs and a total annual revenue of Rs. 30.81 lakhs; 3 States have merged with East Punjab, involving a total area of 370 sq. miles, a total population of 8.67 lakhs and a total annual revenue of Rs. 8.05 lakhs; and 305 States have merged with Bombay, involving a total area of 34,894 sq. miles, a total population of 43.17 lakhs and a total annual revenue of Rs. 307.15 lakhs.

The merger of the smaller States with the Provinces clarified the whole atmosphere in the country. The people of the States found a solution which afforded a real remedy for their diffi-



#### RECONSTITUTION OF RAJASTHAN UNION.

he Hon'ble Pandit Jawaharlal Nehru, Prime Minister of India, administers the oath of allegiance to the Maharana of Udaipur, the new Rajpramukh of the Rajasthan Union at the ceremony held in Udaipur on April 12, 1948.

culties. The Rulers saw in it clear advantages: it assured them a dignity and a perpetual income and freed them from the ever-increasing problems of administration. Where merger with Provinces was either not feasible or not considered desirable, the States decided to form Unions of their own. Among the most impressive of such Unions was the Union of 449 States of Kathiawar (Saurashtra) under the ruler of Nawanagar as the Rajpramukh. This Union comprises an area of 33,946 sq. miles, a population of 32.09 lakhs and a total annual revenue of about Rs. 8 crores. Other Unions are those of

Matsya, comprising 4 States of Alwar, Bharatpur, Dholpur and Karauli with a total area of 7,589 sq. miles, a total



#### EAST PUNJAB STATES UNION BORN.

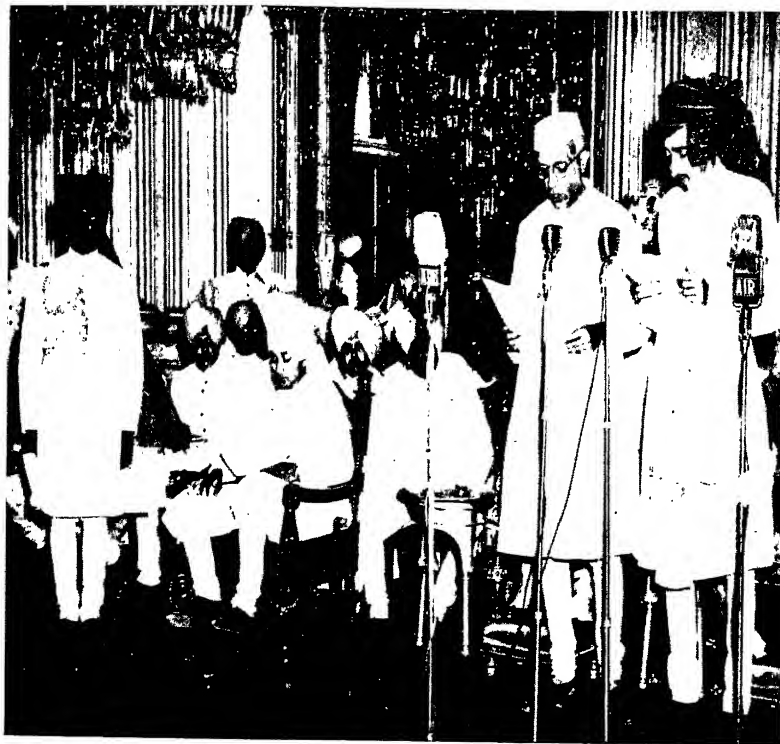
Sardar Vallabhbhai Patel, Deputy Prime Minister and Minister for States swears in the Maharaja of Patiala as Rajpramukh of the Union of Patiala and East Punjab States, at the solemn ceremony held at Patiala on July 15, 1948. The Union consists of the States of Patiala, Kapurthala, Nabha, Jind, Faridkot, Malerkotla, Kalsia and Nalagarh. The Ruler of Patiala will be the Rajpramukh of the Union for life and the Maharaja of Kapurthala will be the Uparajpramukh for life.

population of 18.38 lakhs and a total annual revenue of Rs. 183.06 lakhs;

Rajasthan, comprising 10 States of Rajputana with a total area of 29,977 sq. miles, a population of 42.62 lakhs and a total annual revenue of Rs. 316.67 lakhs;

East Punjab and Patiala, comprising 8 States of East Punjab with a total area of 10,000 sq. miles, a population of 35 lakhs and a total annual revenue of Rs. 5 crores;

Madhyabharat, comprising 22 States of Central India with a total area of 47,000 sq. miles, a population of 72 lakhs and a total annual revenue of Rs. 8 crores;



#### THE PRIME MINISTER INAUGURATES THE BIGGEST UNION OF INDIAN STATE

Pandit Jawaharlal Nehru swears in the Maharaja of Indore as Uparajpramukh of the Gwalior-Indore-Malwa Union at Gwalior on May 28, 1948. Madhyabharat, as this Union of 22 Malwa States is called, has an area of about 48,000 square miles, a population of over seven millions and an yearly revenue of Rs. 9 crores. The Rajasthan Union, the second biggest Union, has an area of only 30,000 square miles.

Vindhya Pradesh, comprising 35 States of the Bundhelkhand and Baghelkhand region with a total area of 24,598 sq. miles, a population of 35.69 lakhs and a total annual revenue of Rs. 243.3 lakhs; and

Himachal Pradesh, comprising 24 States of the Himalaya region in East Punjab, with a total area of 11,254 sq. miles, a population of 10.46 lakhs and a total annual revenue of Rs. 91.04 lakhs.

These mergers and Unions have brought about a complete regrouping of Indian political units; and it may be expected that the working of the new federal constitution will be greatly helped by this development.

## CHAPTER VI

### DEFENCE AND ARMED FORCES

*"Rarely in peace time has a fighting force suffered such great vicissitudes during so short a period as the Indian Army during the days of its partition. Following the decision to partition the country, the Army had to be divided and the reconstitution, which began immediately, meant the breaking up of battalions, regiments, installations, training institutions, etc."*

—Hon'ble SARDAR BALDEV SINGH

#### DIVISION OF THE ARMED FORCES

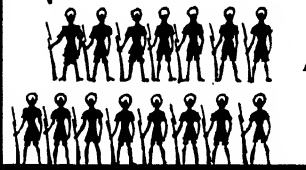
The partition of the country involved the division of Indian Armed Forces, which for generations had functioned as a closely knit unit, displaying the highest qualities of fellowship and common sacrifice among the soldiers. Forming a part of the same fabric, the Indian soldiers spoke the same language, shared their joys and sorrows alike and fought shoulder to shoulder against common enemies on the battlefields all over the globe. Together they guarded the honour, the frontiers and outposts of India, and the friendship that developed on the unit parade grounds and in recreation rooms was further intensified on the bullet-swept fields. On August 15, 1947, ended one golden chapter in the history of the Indian Armed Forces—one of the finest fighting machines in the world—when they were reconstituted into the Armed Forces of India and the Armed Forces of Pakistan.

The problem of the reconstitution of the Indian Armed Forces was not an easy one, for the Units had a mixed composition and were organized on a territorial basis. After some negotiation it was decided by the Partition Council that the division of the Armed Forces should be based on the following principles :

- (1) that Indian Union and Pakistan should have each with in their own territories forces which (a) are with effect from August 15, under their own operational control; (b) are on August 15, predominantly composed of non-Muslims and Muslims respectively; and



# DISTRIBUTION OF ARMED FORCES IN TWO DOMINIONS AT THE TIME OF PARTITION



**INFANTRY  
REGIMENTS**

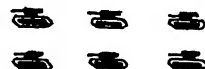


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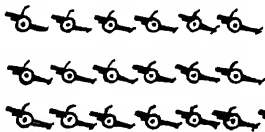


**ARMoured  
CORPS**

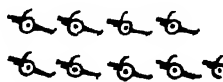


**12**

**6**



**ARTILLERY  
REGIMENTS**



**18 1/2**

**8 1/2**



**FIGHTER  
SQUADRONS**



**7**

**2**

- (2) that moveable stores and equipment such as vehicles, guns, tanks, etc. should be divided between the two Armed Forces in proportion to their respective strengths.

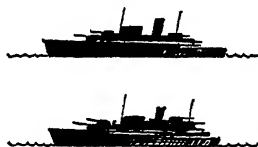
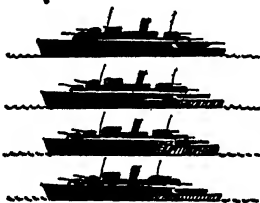
The partition of the Armed Forces was effected in two stages. The first stage comprised a more or less rough and ready division of the existing forces on a communal basis followed by immediate movement into Pakistan area of all Muslim-majority Units that were stationed outside that area, and movement into India of all exclusively non-Muslim or non-Muslim-majority Units then located in the Pakistan area.

The next stage consisted in the combing out of the Units themselves on the basis of voluntary transfer. To this, however, there was one exception, namely, that a Muslim from Pakistan then serving in the Armed Forces was not given the option of joining the Armed Forces of the Indian Union, and similarly a non-Muslim from the rest of India serving in the Armed Forces was not given the liberty to join the Armed Forces of Pakistan. There was, however, no objection to non-Muslim personnel from Pakistan and Muslim personnel from the rest of India electing to serve in the Armed Forces of the Indian Union and of Pakistan respectively.

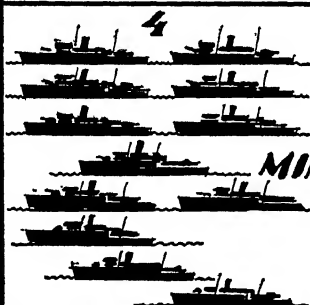
The Indian army at the time of partition comprised 30 per cent Muslims, 7 per cent Gurkhas and the rest non-Muslims. In the navy and the air force, the proportion of Muslims and non-Muslims was 40:60 and 20:80 respectively. The governing principle in allocating units of infantry, armoured corps, artillery and engineers between India and Pakistan, had been their composition. The majority of the regiments already largely composed of the Muslims were assigned to Pakistan and the rest to India. In order to avoid unnecessary transfer of individual soldiers, Muslim sub-units of predominantly Hindu units, ordered to move into the Dominion of India, were held back in Pakistan. Similarly Hindu sub-units were detained in India.

The division of the navy was made, in the words of Lord Mountbatten, on common sense lines, in that it was based on the actual needs of the two Dominions rather than on exact arith-

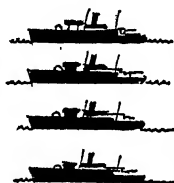
# NAVY



## SLOOPS



## MINESWEEPERS



12

4

## CORVETTES



1

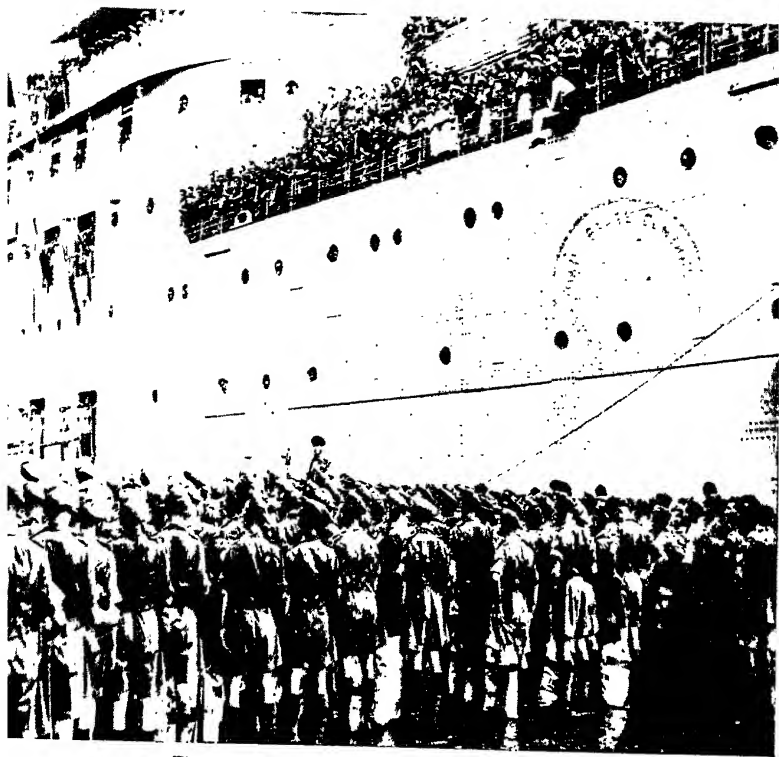
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metrical split. A middle course was adopted in the case of the allocation of the RIAF Squadrons.

The Armed Forces of undivided India were distributed between India and Pakistan as follows :—

<i>ARMY</i>	<i>India</i>	<i>Pakistan</i>
Infantry Regiments	15	8
Armoured Corps	12	6
Artillery Regiments	18½	8½
Engineering Units	61	34
Signal Corps	Distribution of the existing lay-	
Supply Units (RIASC)	out on the territorial basis.	
Indian Electrical and Mechanical Engineers Units	10	4
Indian Pioneer Corps	Group Head Quarters 2 coys & 9 coys.	
RIAS Transport Units	34	17
Ambulance Platoons	15	7
Indian Army Medical Corps (Hospitals)	82	34
Military Farms	29	20
<i>NAVY (R. I. N.)</i>		
Sloops	4	2
Frigates	2	2
Fleet Mine-Sweepers	12	4
Corvettes	1	—
Survey Ships	1	—
Trawlers	4	2
Motor Mine-Sweepers	4	2
Motor Launch	1	—
Harbour Defence Motor Launch	4	4
Landing craft	All existing major & minor landing craft. —	
<i>AIR FORCE (R. I. A. F.)</i>		
Fighter Squadrons	7	2
Transport Squadrons	1	1

The number of units of the army allotted to the Dominions was not, however, a correct index of the proportion assigned to



First ship to leave India with British troops.

them, for it did not take into consideration Gurkha Units. Then again, the number of units allotted referred only to regiments, and as a regiment could consist of anything from 3 to 6 battalions, the proportion of regiments did not exactly reflect the proportion of active battalions. Some units were smaller than others and many stood in need of being reorganized after the voluntary transfer of individuals had taken place.

There were ten Gurkha Regiments in the army of undivided India. None of them went over to Pakistan. By an interim agreement between the Governments of India, Nepal and the U.K. six of them were retained in the Indian Army and four were transferred to the British Army. In the final settlement reached on November 9, 1947, arrangements were made for the continued employment of Gurkha Officers and men in the Indian



#### LAST BRITISH BATTALION IN INDIA DEPARTS.

The First Battalion of the Somerset Light Infantry marches through the Gateway of India, Bombay, before sailing for the United Kingdom.

Army, and it was decided that Indian Officers would in the future be posted in the Gurkha Units.

In addition to the Indian Armed Forces, there were four regular British battalions stationed in India. As a corollary to the British decision to transfer power to the Dominions, the withdrawal of the British Forces in India was also settled and it was assured that the process would commence immediately after the transfer of power and would be completed as early as possible. The first contingent of the British Army left the Indian shores on August 7, 1947, and the last one, the Somerset Light Infantry, sailed on February 28, 1948.

## DIVISION OF STORES AND ORDNANCE FACTORIES

No agreement could be reached on the division of stores and ordnance factories between the two Governments. At one time it was decided to refer the matter to the Arbitral Tribunal. But ultimately a compromise was effected between the two Governments, which provided

(1) That "Pakistan's share of the military stores will be one-third of the stocks held in India and Pakistan on the date of partition or one-third of the maintenance and reserve requirements of the two Dominions calculated on an agreed basis, whichever is less. The balance, if any, will fall to India's share."

(2) That "no physical division of the ordnance factories will take place, the Indian Dominion taking full liability for their book value. India agreed to make available to Pakistan a sum of Rs. 6 crores to be drawn as and when required by way of assistance towards the setting up of ordnance factories and a few other essential institutions like a Security Printing Press." There were 16 ordnance factories, all of which India retained under this agreement.

## EFFECTS OF PARTITION

Partition changed prominently the contours of defence of both the Dominions. Undivided India had about 8,000 sq. miles of land and sea frontiers and was exposed to foreign aggression especially on the north-west and north-east from land and on the south from the sea. The use of modern mass destructive weapons, such as heavy bombers, submarines, and atomic bombs has greatly increased her vulnerability, threatening seriously her dense population and concentrated industries and her long trade and sea routes. Consequent on partition the burden of India's defence which was formerly the responsibility of Great Britain was transferred to the Dominions. Pakistan has now to bear the onus of the defence of the N.W. Frontier Province which cost the Government of United India nearly Rs. 4½ crores annually and that of about 650 miles of sea-coast. In addition she is called upon to defend her eastern limb, situated hundreds of miles apart, with Indian territory falling in between. On the other

hand, India has to shoulder responsibility for protecting and guarding approximately 2,350 miles of sea frontier and 2,600 miles of Pakistan borders in addition to her north-eastern frontier.

With the exception of the countries in the north-west, the Indian Dominion has inherited almost all the old neighbours, and fortunately in her relationship with them she has had no evil legacies to wipe out. She has a large fund of goodwill to build her future relations on friendly lines with them. Informal talks have already taken place between India and Great Britain, Ceylon, Burma, Malaya and Australia for purely defensive treaties and it is hoped that their successful conclusion will lay the foundation of a regional security structure without arousing suspicions among the big Powers or prejudicing in any manner India's obligation to the United Nations.

## NATIONALIZATION OF THE ARMED FORCES

Before partition, the Indian Armed Forces were overwhelmingly officered by the Britishers. There were 10,000 British Officers in the Indian Army. Only half a dozen of the brigade and sub-area commands were held by Indians and there was no Indian Officer commanding a division, an area or any of the army commands. Out of a total cadre of 850, there were 200 British commissioned and warrant Officers in the R.I.N., while 100 R.A.F. Officers and 600 R.A.F. airmen were working on the personnel of the R.I.A.F.

With the decision to dissolve the Supreme Commander's Office in November last, agreement was also reached to terminate the services of the British Officers, and consequently three months' notice was served on them. A number of them whose services were requisitioned by the Government of India were offered new terms, as negotiated with His Majesty's Government in November, 1947. The policy of the Government of India in this respect was to retain or get on loan the services of about 300 British Officers and instructors, as commanders of certain training units and establishments or of certain technical units, and to proceed with the nationalization of the rest of the jobs left vacant by the withdrawal of the British personnel.



The Indian Government tackled the situation with vigour and despite many odds and heavy responsibilities accomplished in a surprisingly short time the Indianization of the Armed Forces. A large measure of success in the task had already been achieved by January, 1948, and it was estimated that by April, except for 300 British Officers to be employed mostly in instructional establishments, technical arms and a few on the staff and as advisers, the rest of the Indian army including the High Command would be officered almost entirely by Indians. The following table illustrates the progress made in the nationalization of the Armed Forces : \*

Except for a small variation in regard to a few individual appointments, the pace of nationalization has been kept to the programme. In one important respect, however, the Government have found it necessary to depart from the schedule, and that is in the retention of General Bucher as the Commander-in-Chief of the Armed Forces.

## REORGANIZATION OF DEFENCE AND TRAINING FACILITIES

The Government of India is fully alive to the necessity and importance of India's defence and is taking all possible steps to make the country strong enough to defend herself against any aggression. India's Armed Forces are being strengthened and re-organized to bring them in line with the new status of the country.

A territorial force, a second-line defence force, is being raised on a zonal basis by the Government with a total strength of 130,000. It is hoped that it will be possible to raise all the non-technical units, including the infantry battalions, the railway and post units and a number of other technical units included in the plan, within one year. In its final picture the territorial army will be officered mostly by Officers with territorial army commission. But in the beginning, it will be necessary to post officers of the regular army for the raising and training of those units.

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\* See overleaf for the table.

Service and Rank	Number before August 15, 1947	Number on Aug. 15, 1948	Number on January 1, 1948	Estimated Number on April 1, 1948
European Officers	10,000	1,200	Slightly more than 300	300
ARMY				
INDIAN OFFICERS				
Battalion and Regimental Commanders		Less than 10%	95%	All Commanders in Lt.-Col level.
Brigade and Sub-Area Commanders		5%	100% Brigade Commanders 70% Sub - Area Commanders	
Divisional and Area Commanders		Nil	All Area and Divisional Commanders except 2	
Brigadiers (Artillery & Signal Corps)		Nil	60%	80%
Maj General		12½%	62½%	62½%
G. O. C.-in-Cs.		Nil	All Indians (by the middle of January 48)	Indian C-in-C.
C-in-C.				
R. I. N.				
INDIAN OFFICERS				
Commission and Warrant Officers		76.5%		91.4% Commissioned Officers 61.4% Warrant Officers Ship Commanders 100% Commanders of Shore Establishment 100% Naval H. Q. Staff 88%
R. I. A. F.				
Commission Officers	Mixed with R. A. F. Br. Officers 100 Airmen 500			All Indian Officers except 6 R.A.F. (British) Officers and 7 more to be taken on loan.

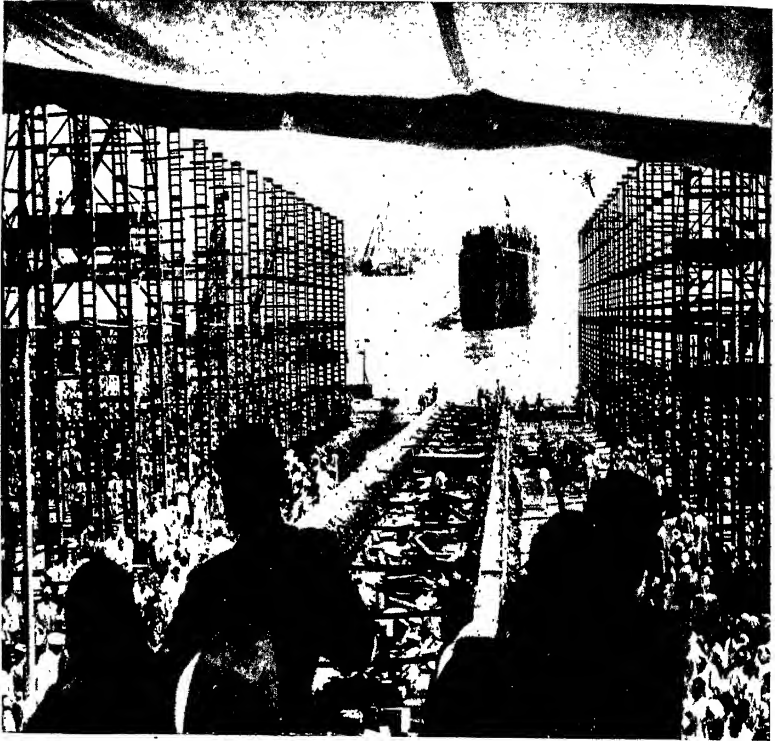
On March 13, 1948, the Government announced its decision to raise a National Cadet Corps as a first step towards the spread of military training amongst students in schools and colleges. The broad object of the Corps is defined as the development of character and comradeship, ideals of service and power of leadership and stimulation of interest in the country's defence, and it is expected that the Corps will grow into a first class organization and constitute a nursery for the training of future officers of the Armed Forces. The Corps will consist of three divisions, a Senior Division intended for the Universities and Colleges, with a strength of 32,540; a Junior Division for the boys of schools, with a strength of 135,000; and a Girls' Division.

### TRAINING FACILITIES

With conditions returning to normal, reorganization of all training establishments and schools has been completed. The Staff College and the RIASC Training School have been re-established and have started functioning at Wellington and Bareilly respectively. The Parachute Training School is in the process of being set up and will commence training shortly. It is hoped that the number of Officers will soon increase and instructional establishments will have their full quota of trained Officers. Every opportunity to send Officers to foreign countries for courses and training is being fully utilized.

The establishment of the National Cadet Corps and the Indian Territorial Army has fulfilled the desire of the civilian population for military training. The former replaces the present University Officers Training Corps and the latter is only a revival of the late Indian Territorial Force on a larger scale.

It has been decided to set up from January 1, 1949, on an experimental basis the Inter-Services Wing of the Indian Military Academy, which will admit boys between the ages of 15 and 17 years. The preliminary training for all the three services will be carried out in this wing and the Officer cadets after completion of training will be sent to their respective services training establishments for further training. The cadets for the Army will continue their training at the Indian Military Academy, to be renamed as the Military Wing. This set-up corresponds to the

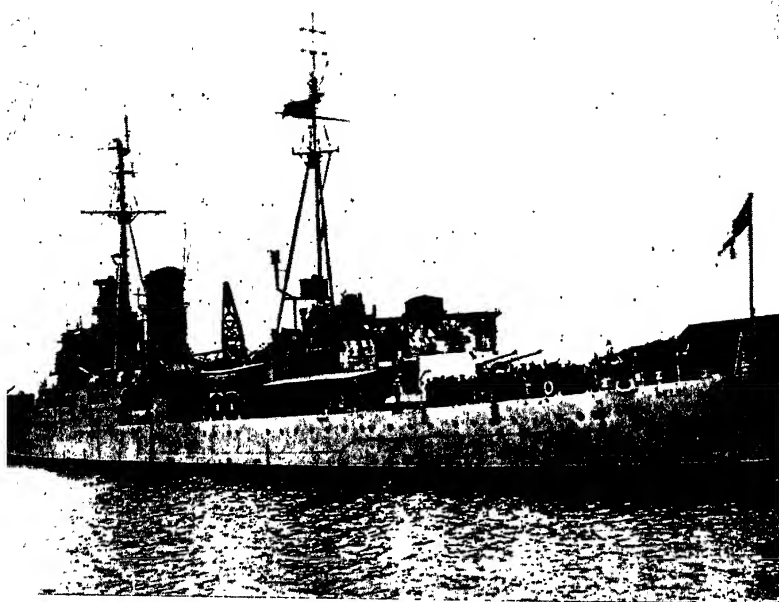


INDIA'S FIRST HOME-BUILT MODERN NAVAL VESSEL TAKEN TO SEA. The "Jala Usha" photographed immediately after launching on March 14, 1948, at Vizagapatam by Pandit Jawaharlal Nehru. The "Jala Usha" is a single-screw cargo steamer having a deadweight capacity of 8,000 tons on a draft of 25 feet. The vessel's dimensions are: overall length 415 feet, moulded breadth 52 feet and moulded depth 30 feet and 6 inches. The vessel is propelled by a single screw triple expansion reciprocating engine developing 2,600 horse power. The steam of the motive power will be supplied by three coal-fired singleended Scotch boilers. The vessel is designed for a trial speed of  $11\frac{1}{2}$  knots and is expected to maintain a speed of  $10\frac{1}{2}$  knots in service.

American Training Academy and it is expected that it will develop inter-service amity, inculcate an *esprit de corps* amongst the three services, and foster comradeship among the Officers. Hitherto the three services were developed as separate entities; now it will be possible to have their harmonious development.

#### NAVAL DEFENCE

In the case of a peninsular country like India, her future prosperity and national security is to a very large extent linked



#### INDIA'S NAVY GETS ITS FIRST CRUISER.

H. M. I. S. "Delhi" the first cruiser to be acquired by the Royal Indian Navy. H. M. I. S. "Delhi" was commissioned on September 1, 1932. She mounts six 6-inch guns, eight 4-inch anti-aircraft guns, four 3-pounder and ten smaller guns. She has eight 21-inch quadruple torpedo tubes and a designed speed of 32.5 knots. She will have a complement of 43 officers and warrant officers and 702 ratings. This cruiser along with "Ajax" and "Exeter" won the first major naval victory of World War II in the famous River Plate Battle against the German Pocket Battleship "Admiral Graf Spee". The Prime Minister of India was in Bombay to welcome H. M. I. S. "Delhi" when she arrived there.

with her command of the Indian Ocean. The Government of India attaches the greatest importance to the development of the Naval Force and is anxious to make every possible provision for its development. In November, 1947, a delegation was sent to the United Kingdom to discuss with the British Government the question of acquiring certain naval vessels and aircraft and the provision of training and other facilities for Officers and men of the Indian Forces. Negotiations were successfully completed and arrangements were made for the acquisition of certain assets for the training of Indian personnel. Plans are being made to set

up the Gunnery and Radar and Navigation Schools at Vizagapatam. It is anticipated that the Torpedo School at Valsura will also be shifted to Cochin and merged with the T.A./s and Electrical Schools, when these two Schools are completed. The training of the higher ratings will still have to be carried out abroad.

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## CHAPTER VII

# EXTERNAL AFFAIRS AND FOREIGN POLICY

## INTERNATIONAL STATUS

Till August 15, 1947, the Government of India had constituted one international personality, enjoying membership of 51 international bodies. As many as 627 treaties, conventions, and agreements covering a long period applied to India. There were three categories of such treaties :

- (1) those which were of exclusive interest to India;
- (2) those which were of exclusive interest to Pakistan; and
- (3) those which were of common interest.

The establishment of two independent Dominions on August 15, 1947, in India led to the discussion as to which Dominion inherited the international obligations and corresponding privileges contracted by the former Government of India and which constituted the successor State so far as membership of the United Nations Organisation was concerned. The other ancillary questions were the relationship of the two Dominions with the border tribes, the future role of the Indian diplomatic and consular representations, domicile and nationality of the inhabitants of British India, passport restrictions, and the position of Indian nationals abroad.

Pakistan's representatives maintained that the international status of the former Government of India had become extinct as from August 15 and that as two independent Dominions of equal international status had taken its place, both were eligible to lay claim to its rights and obligations. That argument was strongly contested by Indian experts who maintained the continuity of India's international status.

The Partition Council asked its Constitutional Adviser to evolve a compromise formula, on the basis of which

the Indian Independence (International Arrangements) Order, 1947, was subsequently promulgated. According to it, the membership of all international organizations, together with the rights and obligations attached to such membership, devolved upon India. Pakistan was left to apply for membership of such international organizations as it wanted to join. Rights and obligations under the international agreements to which pre-partition India was a party devolved upon both Dominions and could, if necessary, be apportioned between them, such rights and obligations as had exclusive territorial application devolving exclusively upon the Government of the territory to which they relate.

Dr Ivan Kerno, Assistant Secretary-General for Legal Affairs in the UNO who investigated the implications of the Indian Independence Act, 1947, in connection with Pakistan's contention that she was an original member of the UNO, submitted the following opinion in his memorandum of August 12, 1947, which was substantially in conformity with the stand taken by the Indian experts and the opinion expressed by the British Government :

"The situation is that of a part of an existing State breaking off to form a new State. On this analysis, there is no change in the international status of India; it continues as a state with all its treaty rights and obligations, and consequently with all the rights and obligations of membership in the United Nations. The territory which breaks off, Pakistan, will be a new State; it will not have the treaty rights and obligations of the old State, and it will not, of course, have membership in the United Nations.

"In International Law, the situation is analogous to the separation of the Irish Free State from Great Britain, and of Belgium from the Netherlands. In these cases, the portion which separated was considered as a new State; the remaining portion continued as an existing State with all the rights and duties which it had before.

"Apart from separation, the Independence Act has effected a basic constitutional change in India. The existing State



of India has become a Dominion, and consequently has a new status in the British Commonwealth of Nations, independence in external affairs, and a new form of Government. This, however, does not affect the international personality of India, or its status in the United Nations."

Summing up, Dr. Kerno said :

1. "The new Dominion of India continues as an original Member-State of the United Nations with all rights and obligations of membership.
2. "Pakistan will be a new non-Member State. In order to become a Member of the United Nations, it would have to apply for admission pursuant to Article 4 of the Charter and its application would be handled under the pertinent Rules of Procedure of the General Assembly and the Security Council.
- 3 "The representatives of India on the Economic and Social Council and the representative of India participating in the discussion of the Indonesian case in the Security Council should be requested to submit new credentials after August 15 issued by the Head of the Government, or the Foreign Minister of the New Dominion of India."

## RELATIONSHIP WITH BORDER TRIBES

There existed a special relationship between British India and the tribes on the north-west and north-east frontiers, but it was incapable of precise definition in international law. His Majesty's Government had 150 treaties and engagements with various tribes across the North-West Frontier and Baluchistan, according to which, broadly speaking, the tribal organizations and jirgas had agreed to behave and not to raid the administered territories in the Frontier in return for subsidies, education grants, development grants, etc. These treaties had no international character, for the tribal organisations and jirgas were in no sense organised governments; the sanction behind them had been "the goodwill of the tribes and the might of the Indian Army."



#### NAGA'S PRESENTATION TO C-IN-C.

A detachment of Nagas famous for the help they rendered to the Allies against Japan, participated in the Delhi victory week celebration. During their stay they presented Naga spears, a sword and a tribe-chieftain's dress to Gen. Sir Claude Auchinleck, Commander-in-Chief in India, at his residence in New Delhi. Photograph shows a group of Nagas.

Under Section 7(1)(c) of the Indian Independence Act, 1947, these British treaties lapsed on August 15, 1947. Since the Dominion of India was geographically separated as a result of the partition from the tribal territory, it devolved on Pakistan as the immediate neighbour to negotiate fresh agreements with the tribal leaders.

There were no formal treaties and engagements with the tribes located on the North-East frontier of India. The policy of the Government of India in respect of them had been gradually to extend the benefits of settled administration into those areas

without disputing the autonomy of the tribes on the one hand and to protect the settled territories from "large head-hunting expeditions and raids" on the other. Because of the geographical position of the North-East frontier, Pakistan had no concern with it and the Indian Dominion stepped into the shoes of the old Government of India.

## DIPLOMATIC REPRESENTATION

As no change was effected in the international status of the Indian Dominion, it was agreed that the existing diplomatic representations abroad should continue to function for India, leaving Pakistan to appoint representatives in the countries of their own choice. The question of the lapse of any appointments of diplomatic representatives did not arise because the King of England continued to remain the formal appointing authority. Nor was there any necessity to issue fresh credentials. The only ground on which a revision would technically be required was the omission from the Royal Title of the words "Emperor of India." This being a minor change, it was decided that the old credentials might remain in force unless a change in them was called for by the Government of a country to which an Indian Ambassador was accredited.

## NATIONALITY AND DOMICILE

Related to the question of international status was the question of domicile and nationality of the inhabitants of British India. Before Partition, nationality in British India was governed by the British Nationality and Status of Aliens Act, 1914, and in a limited number of cases, by the Indian Naturalization Act. All the inhabitants of India enjoyed the status of British Subjects both within India and without it. Partition did not affect the position in this respect, for the inhabitants in both the Dominions continued to be British Subjects, being the citizens of two member-nations of the British Commonwealth. No immediate change was, therefore, called for. Under S. 262(3) of the Government of India Act, 1935, British Subjects ordinarily inhabiting or domiciled in India were eligible for service in Pakistan areas and *vice versa*; so were the British Subjects residing abroad. On the analogy of the other Dominions suggestions were made to restrict entrance of the latter to public services both in India and Paki-

stan, but the decision regarding that matter was left to the Governments of India and Pakistan.

The Government of India has made a provision for the definition of Nationality and Citizenship in the Draft Constitution.

## PASSPORT RESTRICTIONS

The Indian Passport Regulations forbade entry of any person proceeding from abroad into British India without a passport, an exception being made in the case of persons domiciled in India coming from any foreign possession in India or from Ceylon or the Federated Malaya States or the Straits Settlements or Burma, and in the case of persons domiciled in a foreign possession in India proceeding therefrom. The creation of an independent State of Pakistan raised the question whether or not there should be passport restrictions between the two Dominions. The practice in the United States and Canada, which provides a parallel to India and Pakistan, required no passport *visas* for Canadian subjects entering the United States from Canada on a temporary visit of less than thirty days for business or pleasure.

The Partition Council which considered the question decided that at least for some time to come restrictions on the movement of persons from one Dominion to another should not be imposed.

## POSITION OF INDIAN NATIONALS ABROAD

Although partition would have made no legal difference in the status of the Indian nationals abroad as British subjects, politically there was a great danger of their position being impaired, partly because of the divided loyalties among themselves and partly because of the danger of the two Dominions pursuing divergent policies in respect of them. Envisaging that difficulty the Expert Committee on Foreign Relations recommended that both the Governments should as far as possible, adopt "a common policy in matters affecting Indians abroad so as to enable them *inter alia* to secure racial equality and civic rights". Their recommendation had special reference to South Africa, East Africa and Burma. The recommendations were accepted by the Partition Council.

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## CHAPTER VIII

### INDO-PAKISTAN RELATIONS

"Pakistan has come into being rather unnaturally, but nevertheless representing the urges of large numbers of persons. I believe that this development has been a throw-back, but we have accepted it in good faith." In these words, Pandit Jawaharlal Nehru, the Prime Minister of India, summed up the policy of the Indian Government in the matter of partition.

In circles outside the Indian Government, it had been felt that the creation of Pakistan would raise several very difficult questions. In the British House of Commons during the debate on the Indian Independence Bill, it was said that the territory of Pakistan is not contiguous, nor is its population homogeneous. One part of it is situated in the North-West region, a very poor part of India. The other is in the far east, with hundreds of miles in between the two. At one time the economy of Pakistan was considered as unbalanced and doubts were expressed regarding her ability to stand on her legs. From the point of view of defence also she was considered weak and easily vulnerable to external aggression. But once the partition became an accomplished fact, the Congress and the Government of India accepted Pakistan in good faith, putting other aspects of the question completely aside. To the new State of Pakistan they wished all good luck and gave an assurance of friendliness. They affirmed their conviction that "it was to India's advantage that Pakistan should be a secure and prosperous State with which we can develop close and friendly relations."

Nonetheless, in one of his speeches at the U.N. Security Council, the Pakistan representative made a specific complaint that since partition India had adopted an attitude of obstruction and hostility towards Pakistan, one of her objects being to paralyse Pakistan at the very start. How baseless this complaint of the Pakistan representative is can be easily shown from the ungrudging and abundant assistance which the Government of India have given to Pakistan

- (i) in the setting up of the Pakistan Government's headquarters in Karachi;
- (ii) in the provision of necessary administrative machinery to enable the Pakistan Government to start functioning from the date of partition and to run smoothly thereafter;
- (iii) in the provision of adequate financial resources to the Pakistan Government; and
- (iv) in the tiding over of the transitional difficulties by the new State of Pakistan.

### SETTING UP OF THE PAKISTAN GOVERNMENT HEADQUARTERS

The India Section of the Steering Committee helped the Pakistan Government to set up its headquarters at Karachi. The Government of India issued a general order to all departments of the Government that they must give top priority to references made to them in this connection and to the execution of the work connected therewith. Most speedy action was taken to order the provision of building materials, such as cement, steel, coal, sanitary and other fittings for the construction of hutments and other accommodation for officers and residences and other repairs to existing buildings which were made available by the Sind Government and the Military authorities for the purpose of housing Pakistan's new Secretariat. Installation of telephones was also arranged both at Karachi and Dacca. Provision was made for the establishment of a Reception Office at Karachi to receive and give guidance to all incoming officers and personnel and an Estate Office for the purpose of supervising the buildings and making temporary allotment of accommodation available to the various offices. To deal with the disbursement of pay and allowances of the staff arriving there, an Accounts Office was also opened in Karachi. At the same time, ample provision was made for accommodation, recruitment of staff, and the supply of stationery etc. for the Pakistan Constituent Assembly.

### PROVISION OF NECESSARY ADMINISTRATIVE MACHINERY

The staff which had opted for Pakistan was quickly relieved

by the Government of India, often in anticipation of replacements and at the risk of considerable dislocation in the normal working of India's administrative machinery. Advances of two months' pay and travelling allowance were given to all such people by the Indian Government. On the other hand, no such facilities were in actual practice given by Pakistan Government to a large majority of persons who had opted for India and who were at the time of their transfer serving in Pakistan areas. Despite unusual strain on India's transport resources, special trains were run and other facilities given for the movement of Pakistan personnel and their baggage.

As the Provincial Government Press at Karachi was inadequate to cope with Pakistan's printing needs, the Government of India agreed to place the entire quantity of the Press at Simla at Pakistan's disposal, and also to enable a portion of the Press in Aligarh to do printing work for the Pakistan Government. In dividing office furniture and equipment and such scarce articles as refrigerators, duplicators, calculating machines, etc., the test applied was not the narrow one of what could be said to be Pakistan's proper share but of the maximum help that India could give by sparing such scarce items for the needs of the new Dominion. To facilitate the transfer of files required by the Pakistan Government, special arrangements were made by the Indian Government for the printing of certain files and for the duplication of others; special facilities were given for the accommodation of staff left in Delhi by Pakistan for completing the work of duplication to the discomfort of many incoming Indian Government officers, who had to remain without residential accommodation so long as Pakistan's staff engaged upon the duplication of files remained stationed in Delhi.

Pakistan's representatives estimated that they would be greatly deficient in certain categories of personnel, like accountants and certain technical personnel for Posts & Telegraphs and Railways. India agreed to and did compel numerous non-Muslim officers and men who had opted for India to stay on in Pakistan in spite of the very grave misgivings of the men concerned, for whose benefit special deputation terms and safeguards were arranged with Pakistan. Pakistan administrative machinery was thus assisted to remain in working order in the first few crucial weeks, but



Government of India files being duplicated at the time of the division of India.

these non-Muslims in many cases lost their all in the process and some even lost their lives (e.g. the accounts clerks at Peshawar). It is a dismal commentary on Pakistan's ideas of fairness and reciprocity that the clerks, who attended office under police escort for a few days and later, when there was a reign of terror in the city, were confined by force of circumstances to their homes for some days till they were ultimately murdered, were treated by Pakistan authorities as absconders whose pay for the last few days of their lives has been refused; it is needless to say that the compensatory pensions promised by the Pakistan Government when they first secured the retention of such personnel in Pakistan has not yet been sanctioned.

As Pakistan had to start its career without a full complement of institutions for imparting training in higher education and conducting research, the Government of India agreed to reserve for an initial period of three years a certain number of seats for candidates from Pakistan in such institutions as existed in India.



In the case of concerns manufacturing special items for supply to Government, the Government of India agreed to supply the products of such concerns to Pakistan for the next three years.

To guard against shortage of stationery to the Pakistan Government on arrival at Karachi, stationery enough to last for one month was supplied by the Government of India to Pakistan-opting staff on their transfer. The Government of India also accepted responsibility to supply Pakistan's requirements of stationery till March 31, 1948, from and through its own Central Stationery Office in Calcutta.

### PROVISION OF FINANCIAL RESOURCES

In agreeing to allot to Pakistan Rs. 75 crores of the cash holdings of the undivided Government, the Government of India took care to see that Pakistan started its independent existence with more than adequate financial resources.

In order to avoid strain on Pakistan's financial resources during its earlier years the Government of India agreed further to take over initial responsibility for all the outstanding public debt (approximately Rs. 1,700 crores) subject to a suitable contribution to be made by Pakistan to India. Some appreciation of the extent to which the financial agreement was generous to Pakistan can be had from a mention of the following facts. Pakistan's share of the uncovered debt of undivided India was fixed at 17½% which is substantially less than would have been justified by normal considerations, such as relative area, population and national wealth of Pakistan. Although India took over the initial liability for the whole of the public debt and the whole of certain miscellaneous liabilities (e.g. the liability for payment to be made to contractors for supplies and services rendered) India agreed (a) that Pakistan could have a four years moratorium (during which, for instance, Pakistan was saved from the obligation of having to meet any share of the loans falling due for repayment or even interest charges) and (b) that her debt to India should be paid in 50 subsequent equated instalments, i.e. 54 years' time in all was given for repayment to India. The financial agreement also contained a provision that since there were a number of institutions in India which could not be divided, at any rate without detriment to the interests of both



#### INTER-DOMINION CONFERENCE OPENS IN NEW DELHI.

Mr. R. K. Shanmukham Chetty, then Finance Minister, Government of India, greets Mr. Gulam Mohammad, Finance Minister, Pakistan, with a cordial hand clasp just before the Inter-Dominion talks between India and Pakistan opened in New Delhi on May 3 1948. Mr. Mohammad Ismail, Pakistan's High Commissioner in India, is seen on the left

the Dominions, and Pakistan would have to put up her own institutions, a further special allotment of cash would be made by India to assist Pakistan in financing the setting up of these institutions.

Although no agreement was reached before the date of partition on the question of the division of cash balances, the Government of India transferred to Pakistan a sum of Rs. 20 crores to enable the new State to start its life with sufficient cash in the till. When the initial cash payment was exhausted, owing among other things to the dislocation of Pakistan's tax-gathering machi-

nery, and the further payment of cash was held up owing to the dispute between the two Governments over the implementation of the Financial Agreement, the Reserve Bank gave a further ways and means advance of Rs. 10 crores in the last week of December, 1948. Further, in spite of the clear understanding that the execution of the Financial Settlement was contingent on an over-all agreement being reached on all outstanding issues between the two Dominion Governments, the Government of India, in the middle of January, 1948, instructed the Reserve Bank to transfer to Pakistan's account the balance of the amount of cash which India had agreed to allocate to Pakistan.

As against this, Pakistan broke even fundamental agreements on financial matters. Article 8(1) of the Indian Independence (Rights, Property and Liabilities) Order, 1947, provided that "if a contract is for purposes, which, as from the date of partition, are exclusively purposes of the Dominion of Pakistan, all rights and liabilities which accrued or may accrue under any such contract shall be rights and liabilities of the Dominion of Pakistan." Despite this clear provision, the Auditor-General of Pakistan circularized all Heads of Departments in Pakistan on January 2, 1948, that "bills of all contractors etc. for articles supplied or services rendered before August 15, 1947, should not be accepted by the Government of Pakistan." In its meeting held on December 1, 1947, the Partition Council had decided that assets and liabilities of four bodies mentioned below, but of no other bodies, would be taken into account for financial adjustment :

1. Council of Scientific and Industrial Research;
2. Indian Cotton Committee;
3. Indian Jute Committee; and
4. Indian Tobacco Committee.

The decision implied that India would accept an extra liability equal to the net assets of these bodies and that the control of these bodies and their branches would continue to vest in competent persons deriving authority from India. Nevertheless, the East Bengal Government issued a letter on December 8, 1947,

taking over the entire assets of the Jute Research Laboratory at Dacca.

## PAKISTAN CURRENCY AND MONETARY SYSTEM

To enable Pakistan to print currency notes and to mint coins, the Government of India placed at Pakistan's disposal practically the entire capacity of its Currency Note Press and its Mints. In doing so, India ran the risk of causing shortages of notes and coins within her own territories, for owing to transport difficulties and to the want of security in West Pakistan, it was not possible to transfer surplus stocks of currency notes lying in currency chests in West Pakistan to India for use elsewhere, or for the Lahore Currency Office of the Reserve Bank of India to continue to send, as it used to do in the past, currency notes to East Punjab, Delhi and Kashmir.

To enable Pakistan to run its existing and new Currency Offices, the Reserve Bank undertook to arrange for special training to the Pakistan Muslim staff and meanwhile to compel some of its own staff to continue to serve in Pakistan, despite unsatisfactory conditions of law and order prevailing there. In response to Pakistan's request, the Government of India expressed readiness for arrangements being made for Pakistan to take over the management of currency and banking from April 1, 1948, instead of from October 1, 1948, as originally agreed upon.

## ASSISTANCE TO TIDE OVER TRANSITIONAL DIFFICULTIES

### COAL

At the time of partition, the Government of India had agreed as part of reciprocal arrangements to allot to Pakistan each month till March 31, 1948, coal for the use of railways and industries up to the then existing level. It was clearly specified at the time that actual supplies would naturally depend upon Pakistan making satisfactory arrangements for payment. Owing to serious dislocation of trade following widespread disturbances in the Punjab and the consequent loss of confidence in Pakistan, it became apparent that while on the one hand, collieries in



representatives of the Government of India, the Provincial Governments of W. Bengal, Assam and Bihar, and the States of Cooch Behar and Tripura met at Calcutta in April, 1948, at an informal conference to discuss points to be raised at the Inter-Dominion conference which was held there subsequently. The Hon'ble Mr. K. C. Neogy appears third from right. On his left is Mr. B. C. Roy, Premier of W. Bengal.

India were unwilling to supply coal to Pakistan in the normal way, on the other Pakistan was not in a position immediately to arrange for a satisfactory payment procedure. The Government of India agreed to help Pakistan by acting as Agent of the Pakistan Government for the purpose of supplying her requirements of coal.

It is clear that but for this arrangement, voluntarily made by the Government of India, there would have been a complete cessation of coal supply to Western Pakistan resulting in a complete breakdown of rail transport and virtual chaos in that area.

The Agreement was initially accepted by the Government of India for the period ending December 31, 1947, as it was thought that Pakistan would meanwhile be able to make necessary arrangements on its own. But Pakistan was unable to make any satisfactory arrangements within the stipulated time. So the Government of India agreed to continue this arrangement for a further period of one month the time limit being March 31, 1948. During the five months, during which the Government of India acted in this generous manner as the agent of the Pakistan Government, the coal supplied to the North-Western Railway alone amounted to about 280,000 tons.

### STATE SCHOLARSHIPS

India's embassies abroad reported in August, 1947, that the State scholars in the U.S.A., United Kingdom and Australia, who had opted for Pakistan, were not receiving their stipends from the Pakistan Government. Realizing that the Ministry for Education of Pakistan might find it difficult to make timely arrangements, the Government of India authorised its own embassies to continue to make payments of stipends to Pakistan-opted scholars till October 15, 1947.

### SALARIES TO STAFF WHO HAD OPTED FOR PAKISTAN

On account of widespread disturbances in the Punjab, a considerable number of the staff who had opted for Pakistan were stranded in various parts of India. The Government of India readily agreed to continue to them the disbursement of their salaries on behalf of Pakistan, although reciprocal facilities were in most cases denied by the Pakistan Government to the staff who had opted for India and who were stranded on the other side of the border. In fact repeated representations had to be made to the Pakistan Government before they would put the Indian High Commissioner at Karachi in funds as they had promised to do.

### WATER SUPPLY

As a result of partition, the control over the waters of three out of the five rivers of the united Punjab was vested in East Punjab. The East Punjab Government, there-

fore, naturally, contended that under the Punjab Partition (Apportionment of Assets and Liabilities) Order, 1947, and the Arbitral Award, proprietary rights of waters of the rivers flowing in the territories rested wholly with it, and that the West Punjab Government could not claim any share of these waters as a right. Recently a dispute arose between the East and the West Punjab Governments regarding the supply of East Punjab waters to the Central Bari Doab and Depalpur Canals in West Punjab. The West Punjab Government asserted that in accordance with international law and equity, West Punjab had a right to the waters of the East Punjab rivers, to which the East Punjab Government rightly objected. Nevertheless, the East Punjab Government was anxious that this question may be settled amicably, but without prejudice to its own legal rights, and therefore, agreed subject to certain conditions, to supply waters from these rivers to West Punjab.

These examples by no means exhaust the list. They only help to illustrate that the Government of India, instead of adopting the role of an obstructionist, has repeatedly gone out of its way to give all help to Pakistan authorities towards the establishment of the new Dominion. The later history of Indo-Pakistan relations is also replete with examples of India's continuous co-operation with and help to Pakistan in all matters of vital concern to her, and shows an unprecedented record of the most meticulous observance by India of all inter-Dominion agreements and fulfilment of obligations arising therefrom. As the Indian Prime Minister said in a public statement, "it is well known that before partition came many of us sought to avert it. Since partition was decided upon, it has been the constant endeavour of the Government of India to discharge faithfully all their obligations flowing from that decision."

#### BREACHES OF PARTITION AGREEMENTS BY PAKISTAN

It would be pertinent to mention that India's helpfulness to Pakistan continued in spite of the breaches of agreements by Pakistan itself. The Pakistan authorities created difficulties over the movement to India of India's share of furniture and office equipment from several Central Government offices situated in the Pakistan Area. A typical case was of the Lahore circle of the Indian Explosives Department. The officer-in-charge was an Indian optee and had been loaned to Pakistan for a term-

porary period, but he was treated badly when he attempted to remove India's share of furniture and equipment.

In contravention of the provisions regarding trade relations in the Standstill Agreement between the two Dominions, the West Punjab Government issued an Ordinance on September 3, 1947, restricting the flow of capital and bank assets from Pakistan to India. The ordinance was no doubt withdrawn later on protest by India but local authorities in Western Pakistan continued to interfere with the free movement of capital and bank accounts even afterwards. The Sind Government imposed restrictions on the export and movement of imported merchandise that was intended for sale at centres in the Indian Union. This was clearly contrary to the provisions of the Standstill Agreement. In revalidating import licences, the Pakistan Government did not observe the agreed restrictions regarding the import of luxury goods etc. Similarly, the procedure adopted for the issue of licences for export of raw jute from East Bengal was not in accordance with the agreement on the subject. The imposition of an export duty on raw jute transported across land frontiers of Pakistan, while long-term negotiations on the subject were under way, was also in violation of the agreement on the subject.

Pakistan authorities have not yet remitted to India the full complement of locomotives due from Pakistan and a large portion of stores due from the North-Western Railway. According to calculations made in September, 1947, Pakistan had to give to India up to Rs. 5 lakhs worth of Post & Telegraph Stores. A consignment containing Automatic Telephone Exchange ordered from the United Kingdom for Amritsar was unloaded at Karachi, and Pakistan authorities did not allow the equipment to be re-shipped to Bombay or to be sent to Amritsar by rail.

## CONCLUSION

Recently India's Prime Minister replied to Pakistan's charges that India was conspiring against her by manoeuvring her merger with India, by a categorical declaration that India would not agree to Pakistan's reunion with her even if the latter asked for it. True to her tradition, India believes in the policy of 'live and let



live'. The Deputy Prime Minister said in his Calcutta speech of January 8, 1948 :

"So far as Pakistan is concerned India only wishes to be left alone. I would tell Pakistan authorities, 'You have now got Pakistan. I wish you joy of it....You make Pakistan a heaven on earth. We ourselves welcome it, for after all we will also benefit from it....' I would, therefore, earnestly plead that Pakistan authorities should reflect on the course which they have adopted (reference to Kashmir affairs). I can assure them that we have nothing but their good at heart and want nothing more than to be left in peace. Let them, therefore, create conditions in which both Governments can settle down to their responsibilities and to the task of amelioration which demands urgent attention."

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